

**OFFICE OF THE CODE REVISER**  
**Quarterly Rule-Making Report**  
**Covering Registers 21-10 through 21-13**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
<b>AGRICULTURE, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	4	4	0
Number of Rules Proposed for Permanent Adoption	8	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>ARTS COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>BELLINGHAM TECHNICAL COLLEGE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	0	4	0
Number of Rules Proposed for Permanent Adoption	0	4	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>BUILDING CODE COUNCIL</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	2	8	0
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CENTRALIA COLLEGE</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	33	0	28
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CHARTER SCHOOL COMMISSION</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	3	4	0
<b>CHILDREN, YOUTH, AND FAMILIES, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	103	2	189
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Rules Proposed for Permanent Adoption	0	19	3
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CLARK COLLEGE</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	9	0	0
Number of Rules Withdrawn	32	0	68
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>CLOVER PARK TECHNICAL COLLEGE</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	7	2	1
<b>COMMERCE, DEPARTMENT OF</b>			

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<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	2	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	0	7	50
<b>EASTERN WASHINGTON UNIVERSITY</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	6	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>ECOLOGY, DEPARTMENT OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	5	41
Number of Rules Proposed for Permanent Adoption	1	11	6
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>EDUCATION, STATE BOARD OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	1	5	0
Number of Rules Proposed for Permanent Adoption	2	7	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>EMPLOYMENT SECURITY DEPARTMENT</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	8	16	0
Number of Rules Adopted as Emergency Rules	1	1	0
Number of Rules Proposed for Permanent Adoption	24	9	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>ENVIRONMENTAL AND LAND USE HEARINGS OFFICE</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	20	0
<b>EVERGREEN STATE COLLEGE, THE</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	10	9	0
Number of Rules Proposed for Permanent Adoption	0	13	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>FINANCIAL MANAGEMENT, OFFICE OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	7	0
Number of Rules Proposed for Permanent Adoption	2	23	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>FISH AND WILDLIFE, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	2	0
Number of Rules Adopted as Emergency Rules	38	1	24
Number of Rules Proposed for Permanent Adoption	0	29	0

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<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	0	1
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**GAMBLING COMMISSION**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	1	18	2
Number of Rules Proposed for Permanent Adoption	22	26	4
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**GRAYS HARBOR COLLEGE**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	33	0	28
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**HEALTH CARE AUTHORITY**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	5	65	2
Number of Rules Adopted as Emergency Rules	1	9	0
Number of Rules Proposed for Permanent Adoption	4	73	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	3	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**HEALTH, DEPARTMENT OF**

<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	11	131	54

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Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	5	21	3
Number of Rules Proposed for Permanent Adoption	0	10	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	8	3
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	8	3
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>HIGHLINE COLLEGE</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>HUMAN RIGHTS COMMISSION</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	6	2	0
<b>INDUSTRIAL INSURANCE APPEALS, BOARD OF</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Proposed for Permanent Adoption	1	11	0
<b>INSURANCE COMMISSIONER, OFFICE OF THE</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Withdrawn	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>LABOR AND INDUSTRIES, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	18	30	1
Number of Rules Adopted as Emergency Rules	4	1	0
Number of Rules Proposed for Permanent Adoption	2	63	23
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>LAKE WASHINGTON INSTITUTE OF TECHNOLOGY</b>			
Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	9	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>LICENSING, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>LIQUOR AND CANNABIS BOARD</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	6	7	3
Number of Rules Adopted as Emergency Rules	0	2	0
Number of Rules Proposed for Permanent Adoption	0	3	0
Number of Rules Withdrawn	3	3	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>LOTTERY, WASHINGTON STATE</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0

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<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>LOWER COLUMBIA COLLEGE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Proposed for Permanent Adoption	0	1	12
<b>PARKS AND RECREATION COMMISSION</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	2	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PIERCE COLLEGE</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	12	15	0
Number of Rules Withdrawn	4	0	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PILOTAGE COMMISSIONERS, BOARD OF</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Rules Adopted as Emergency Rules	0	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PROFESSIONAL EDUCATOR STANDARDS BOARD</b>			
<b>Type of Activity</b>	<b>New</b>	<b>Amended</b>	<b>Repealed</b>
Number of Permanent Rules Adopted	0	1	0
Number of Rules Proposed for Permanent Adoption	6	36	19
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0



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Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>PUBLIC INSTRUCTION, SUPERINTENDENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	8	7
Number of Rules Adopted as Emergency Rules	16	16	8
Number of Rules Proposed for Permanent Adoption	7	10	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>REDISTRICTING COMMISSION</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	3	0
Number of Rules Proposed for Permanent Adoption	0	7	1
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>RENTON TECHNICAL COLLEGE</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	10	16	4
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>RETIREMENT SYSTEMS, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	0	1
Number of Rules Proposed for Permanent Adoption	0	16	0

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Type of Activity	New	Amended	Repealed
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**REVENUE, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	1	2	0
Number of Rules Proposed for Permanent Adoption	1	1	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SEATTLE COLLEGES**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	16	19	0
Number of Rules Proposed for Permanent Adoption	0	6	13
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SKAGIT VALLEY COLLEGE**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	9	15	0
Number of Rules Proposed for Permanent Adoption	9	13	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0

**SOCIAL AND HEALTH SERVICES, DEPARTMENT OF**

Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	24	62	29

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Type of Activity	New	Amended	Repealed
Number of Rules Adopted as Emergency Rules	24	66	22
Number of Rules Proposed for Permanent Adoption	58	180	40
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>SPOKANE, COMMUNITY COLLEGES OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	9	5	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>TRANSPORTATION, DEPARTMENT OF</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	24	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>UNIVERSITY OF WASHINGTON</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	7	4	57
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>UTILITIES AND TRANSPORTATION COMMISSION</b>			
Type of Activity	New	Amended	Repealed
Number of Permanent Rules Adopted	0	17	0
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0

Type of Activity	New	Amended	Repealed
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	0	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	0	0	0
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	0	0
Number of Sections Adopted using Pilot Rule Making	0	0	0
<b>TOTALS FOR THE QUARTER:</b>			
Number of Permanent Rules Adopted	326	510	447
Number of Rules Adopted as Emergency Rules	108	129	57
Number of Rules Proposed for Permanent Adoption	164	614	174
Number of Rules Withdrawn	39	5	68
Number of Sections Adopted at Request of a Nongovernmental Entity	0	0	0
Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures	0	3	0
Number of Sections Adopted in Order to Comply with Federal Rules or Standards	0	0	0
Number of Sections Adopted in Order to Comply with Federal Statute	0	0	0
Number of Sections Adopted in Order to Comply with Recently Enacted State Statutes	0	0	0
Number of Sections Adopted on the Agency's own Initiative	1	8	4
Number of Sections Adopted using Negotiated Rule Making	0	0	0
Number of Sections Adopted using Other Alternative Rule Making	0	11	3
Number of Sections Adopted using Pilot Rule Making	0	0	0

**WSR 21-13-002**  
**HEALTH CARE AUTHORITY**  
 [Filed June 3, 2021, 8:13 a.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 21-0018 Managed Care Enrollment Process Updates.  
 Effective Date: July 1, 2021.

Description: The health care authority (HCA) intends to submit medicaid SPA 21-0018 in order to limit default assignment of medicaid beneficiaries who are not American Indian or Alaska Native (AI/AN) to a managed care organization (MCO) based on statewide market share. Default assignment means automated assignment to MCOs for non-AI/AN medicaid beneficiaries who do not choose an MCO themselves. Once an MCO reaches a level of statewide apple health market share that could adversely affect the ability of the other MCOs to meet network adequacy requirements, HCA will no longer include that MCO in the pool of MCOs for default assignment. This limit will apply to default assignments only; medicaid beneficiaries will continue to be able to choose any MCO regardless of this limit.

SPA 21-0018 is expected to have no effect on the annual aggregate per member per month payments made to MCOs.

SPA 21-0018 is in the development process; therefore a copy is not yet available for review. HCA would appreciate any input or concerns regarding this SPA. To request a copy when it becomes available, you may contact the person named below. To submit comments, please contact the per-

son named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contact Jessica Diaz, Medicaid Programs Division, 626 8th Avenue S.E., Olympia, WA 98501, phone 360-725-1177, TTY 711, email [jessica.diaz@hca.wa.gov](mailto:jessica.diaz@hca.wa.gov).

**WSR 21-13-003**  
**NOTICE OF PUBLIC MEETINGS**  
**EASTERN WASHINGTON UNIVERSITY**

[Filed June 3, 2021, 11:23 a.m.]

The Eastern Washington University board of trustees has changed the following retreat meeting schedule:

**From:**

July 15, 2021	11:00 a.m. - 5:30 p.m.	Board Retreat at Northern Quest Casino and Resort 100 North Hayford Road Airway Heights, WA 99001 or virtual per current guidelines
July 16, 2021	8:00 a.m. - 12:00 p.m.	Board Retreat at Northern Quest Casino and Resort 100 North Hayford Road Airway Heights, WA 99001 or virtual per current guidelines

**To:**

July 15, 2021	<b>8:00 a.m. - 5:00 p.m.</b>	Board Retreat at Northern Quest Casino and Resort 100 North Hayford Road Airway Heights, WA 99001 or virtual per current guidelines
July 16, 2021	8:00 a.m. - 12:00 p.m.	Board Retreat at Northern Quest Casino and Resort 100 North Hayford Road Airway Heights, WA 99001 or virtual per current guidelines

Updated information on meeting location (whether it will be virtual or in person per current state and federal health guidelines) is posted on the university's website <https://www.ewu.edu/about/leadership/bot/meeting-agendas-minutes/>.

If you need further information contact Chandalin Bennett, 214 Showalter Hall, Cheney, WA 99004, phone 509-359-6362, [cmbennett@ewu.edu](mailto:cmbennett@ewu.edu).

**WSR 21-13-004****HEALTH CARE AUTHORITY**

[Filed June 3, 2021, 11:28 a.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 21-0022 Eligibility Updates.

Effective Date: April 1, 2021.

Description: The health care authority (HCA) intends to submit medicaid SPA 21-0022 to make the following eligibility-related changes to the medicaid state plan:

1. HCA submitted SPA 18-0001 on July 11, 2018, to implement a pilot program designed to monitor requests for multiple reasonable opportunity periods (ROP), which are one hundred twenty days of Washington apple health medicaid coverage. An ROP is designed to give noncitizens time to provide documentation that verifies their immigration status to which they have attested at the time of application. The pilot was effective from July 1, 2018, through June 30, 2019. SPA 21-0022 will remove the pilot information from the medicaid state plan.

2. Per recent Centers for Medicaid and Medicare guidance, HCA will add two immigration statuses that for individuals who are not considered to be lawfully present in the United States:

- Individuals granted an administrative stay of removal under 8 C.F.R. 241.
- Individuals granted employment authorization under 8 C.F.R. 274a.12 (c)(35) and (c)(36), i, unless they have another qualifying status as described in this regulation.

HCA anticipates SPA 21-0022 will have no effect on payments/reimbursement/expenditures.

SPA 21-0022 is under development. To request a copy of the SPA when it becomes available or submit comments, please contact the person named below (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

For additional information, contact Paige Lewis, Eligibility Policy and Service Delivery, TDD/TTY 800-848-6529, email [Paige.Lewis@hca.wa.gov](mailto:Paige.Lewis@hca.wa.gov).

**County Contacts****Adams County**

Adams County Health Department  
108 West Main  
Ritzville, WA 99169  
Phone (509) 659-3315

**Asotin County**

Clarkston Home and Community Services Office  
525 Fifth Street  
Clarkston, WA 99403  
Website <http://www.altc.washington.com>  
Phone (509) 751-4672  
Alt. Phone 1-800-310-4881  
Fax (509) 758-4593

**Benton County**

Tri-Cities Home and Community Services Office  
500 North Morain Street  
Suite 2210  
Kennewick, WA 99336  
Phone (509) 374-2100  
Alt. Phone 1-800-310-4833  
Fax (509) 374-7559

**Chelan County**

Chelan Community Services Office  
805 South Mission Street  
Wenatchee, WA 98801  
Phone (509) 667-6000

**Clallam County**

Port Angeles Home and Community Services Office  
235 West 1st Street  
Port Angeles, WA 98362  
Phone (360) 565-2160  
Alt. Phone 1-800-280-9891  
TTY (360) 417-5651  
Fax (360) 417-1416

**Clark County**

Vancouver Home and Community Services Office  
800 N.E. 136th Avenue  
Suite 220  
Vancouver, WA 98684  
Phone (360) 397-9500  
Alt. Phone 1-800-280-0586  
TTY (360) 750-4079  
Fax (360) 992-7949

**Columbia County**

Aging and Disability Resource Center  
410 East Main  
Dayton, WA 99328  
Website <http://www.altc.washington.com/>  
Phone (509) 382-4787

**Cowlitz County**

Kelso Home and Community Services Office

711 Vine Street  
Kelso, WA 98626  
Phone (360) 501-2500  
Alt. Phone 1-800-605-7322  
TTY (360) 577-7591  
Fax (360) 578-4106

**Douglas County**

Wenatchee Home and Community Services Office  
50 Simon Street S.E.  
Suite B  
East Wenatchee, WA 98802  
Phone (509) 886-6140  
Alt. Phone 1-800-670-8874  
Fax (509) 886-6221

**Ferry County**

Republic Home and Community Services Office  
89 East Delaware  
Republic, WA 99166  
Phone (509) 775-2227  
Alt. Phone 1-888-437-0516  
TTY (509) 775-2661  
Fax (509) 775-2401

**Franklin County**

Franklin County Commissioners Office  
1016 North 4th Avenue  
Pasco, WA 99301  
Phone (509) 545-3535

**Garfield County**

Garfield County District Court  
789 West Main Street  
P.O. Box 817 or 819  
Pomeroy, WA 99347  
Phone (509) 843-1002

**Grant County**

Moses Lake Home and Community Services Office  
1651 South Pilgrim Street  
Moses Lake, WA 98837  
Phone (509) 764-5657  
Alt. Phone 1-800-671-8902  
TTY 1-800-833-6388  
Fax (509) 764-5656

**Grays Harbor County**

Aberdeen Home and Community Services Office  
415 West Wishkah Street  
Suite A2  
Aberdeen, WA 98520  
Phone (360) 533-9222  
Alt. Phone 1-800-487-0119  
TTY (360) 533-9730  
Fax (360) 533-9782

**Island County**

Oak Harbor Home and Community Services Office  
900 East College Way  
Suite 210  
Mt. Vernon, WA 98273  
Phone (360) 429-2961

Alt. Phone 1-866-608-0836  
Fax (360) 429-2958

**Jefferson County**

Port Townsend Home and Community Services Office  
915 Sheridan Street  
Suite 201  
Port Townsend, WA 98368  
Phone (360) 379-4326  
Alt. Phone 1-800-280-9991  
Fax (360) 344-4600

**King County**

King County Home and Community Services Office  
1737 Airport Way South  
Suite 130  
P.O. Box 24847  
Seattle, WA 98134  
Phone (206) 341-7750  
Alt. Phone 1-800-346-9257  
TTY 1-800-833-6384

**Kitsap County**

Bremerton Home and Community Services Office  
4710 Auto Center Boulevard  
Bremerton, WA 98312  
Phone (360) 473-2299  
Alt. Phone 1-800-422-7114  
TTY (360) 478-4928  
Fax (360) 478-6467

**Kittitas County**

Ellensburg Home and Community Services Office  
100 East Jackson Avenue  
Suite 100  
Ellensburg, WA 98926  
Phone (509) 925-0433  
Alt. Phone 1-800-310-4999  
Fax (509) 962-7755

**Klickitat County**

White Salmon Home and Community Services Office  
221 North Main Street  
White Salmon, WA 98672  
Phone (509) 493-6157  
Alt. Phone 1-800-504-1180

**Lewis County**

Chehalis Home and Community Services Office  
3451 Galvin Road  
Centralia, WA 98531  
Phone (360) 807-7150  
Alt. Phone 1-800-487-0360  
Fax (360) 330-7552

**Lincoln County**

Lincoln County Health Department  
90 Nicholls Street  
Davenport, WA 99122  
Phone (509) 725-1001

**Mason County**

Shelton Home and Community Services Office  
2505 Olympic Highway North

Suite 440  
Shelton, WA 98584  
Phone (360) 664-9050  
Alt. Phone 1-800-462-4957  
Fax (360) 432-2045

**Okanogan County**

Omak Home and Community Services Office  
130 South Main  
Omak, WA 98841  
Phone (509) 846-2103  
Alt. Phone 1-888-437-0529  
TTY (509) 826-7389  
Fax (509) 826-7439

**Pacific County**

South Bend Home and Community Services Office  
307 East Robert Bush Drive  
P.O. Box 87  
South Bend, WA 98586  
Phone (360) 875-4222  
Alt. Phone 1-800-458-3747  
Fax (360) 875-0590

**Pend Oreille County**

Newport Home and Community Services Office  
1600 West First Avenue  
Newport, WA 99156  
Phone (509) 447-6223  
Alt. Phone 1-888-437-0516  
Fax (509) 447-5256

**Pierce County**

Tacoma Home and Community Services Office  
1949 South State Street  
Tacoma, WA 98405  
Phone (253) 476-7200  
Alt. Phone 1-800-442-5129  
TTY (253) 593-5471  
Fax (253) 597-4161

**San Juan County**

San Juan County Health Services  
145 Rhone Street  
Friday Harbor, WA 98250  
Phone (360) 378-4474  
Fax (360) 378-7036

**Skagit County**

Mount Vernon Home and Community Services Office  
900 East College Way  
Suite 210  
Mt. Vernon, WA 98273  
Phone (360) 429-2961  
Alt. Phone 1-866-608-0836  
Fax (360) 416-7401

**Skamania County**

Stevenson Home and Community Services Office  
266 S.W. Second Street  
P.O. Box 817  
Stevenson, WA 98648  
Phone (509) 427-5611

Alt. Phone 1-800-505-4203  
Fax (509) 427-4604

**Snohomish County**

Smokey Point Home and Community Services Office  
3906 172nd Street N.E.  
Suite 101  
Arlington, WA 98223  
Phone (360) 651-6800  
Alt. Phone 1-800-827-2984  
Fax (360) 651-6832

**Spokane County**

Spokane Home and Community Services Office  
1330 North Washington Street  
Suite 3000  
Spokane, WA 99201  
Phone (509) 568-3700  
Alt. Phone 1-800-459-0421  
TTY (509) 568-3697  
Fax (509) 568-3771

**Stevens County**

Colville Home and Community Services Office  
1100 South Main  
Colville, WA 99114  
Phone (509) 685-5644  
Alt. Phone 1-800-437-0516  
Fax (509) 684-7430

**Thurston County**

Tumwater Home and Community Services Office  
6639 Capitol Boulevard S.W.  
Tumwater, WA 98512  
Phone (360) 664-9050  
Alt. Phone 1-800-462-4957  
TTY (360) 407-1678  
Fax (360) 664-9107

**Wahkiakum County**

Health and Human Services  
42 Elochoman Valley Road  
Cathlamet, WA 98612  
Phone (360) 795-8630  
Alt. Phone 1-800-635-5989

**Walla Walla County**

Walla Walla Home and Community Services Office  
206 West Poplar  
Walla Walla, WA 99362  
Phone (509) 524-4960  
Alt. Phone 1-800-310-5678  
Fax (509) 527-4142

**Whatcom County**

Bellingham Home and Community Services Office  
600 Lakeway Drive  
Bellingham, WA 98225  
Phone (360) 756-5750  
Alt. Phone 1-800-239-8292  
Fax (360) 676-2239

**Whitman County**

Colfax Home and Community Services Office

418 South Main Street  
Suite 3  
Colfax, WA 99111  
Phone (509) 397-5091  
Alt. Phone 1-800-459-0421  
Fax (509) 397-4323

**Yakima County**

Yakima Home and Community Services Office  
1002 North 16th Avenue  
Yakima, WA 98902  
Phone (509) 225-4400  
Alt. Phone 1-800-822-2097  
Fax (509) 575-2286

**WSR 21-13-005**

**NOTICE OF PUBLIC MEETINGS  
RECREATION AND CONSERVATION  
OFFICE**

(Recreation and Conservation Funding Board)

[Filed June 3, 2021, 11:51 a.m.]

Due to continued precautions regarding COVID-19, the recreation and conservation funding board is adjusting the **time** and **location** of the regular quarterly meeting scheduled for June 29-30, 2021:

**FROM:** June 29-30, 2021, from 9:00 a.m. to 5:00 p.m., at Room 172, Natural Resources Building, 1111 Washington Street S.E., Olympia, WA 98501.

**TO:** June 29, 2021, from 9:00 a.m. to **5:30 p.m.** AND June 30, 2021, from 9:00 a.m. to **4:30 p.m., online only.**

For further information, please contact Wyatt Lundquist, Wyatt.lundquist@rcow.wa.gov or check recreation and conservation office's (RCO) web page at <https://rcow.wa.gov/boards/recreation-and-conservation-funding-board/meetings/>.

The RCO schedules all public meetings at barrier free sites. Persons who need special assistance may contact Leslie Frank at 360-902-0220 or by email at [leslie.frank@rcow.wa.gov](mailto:leslie.frank@rcow.wa.gov).

**WSR 21-13-006**

**POLICY STATEMENT  
DEPARTMENT OF HEALTH**

[Filed June 3, 2021, 1:51 p.m.]

**NOTICE OF ADOPTION OF A POLICY STATEMENT**

Title of Policy Statement: Continuing Education Requirements During the COVID-19 Response. Policy Number: BOM 20-01.2.

Issuing Entity: Board of massage.

Subject Matter: The board of massage has extended the policy addressing the impact COVID-19 response measures are having on licensed massage therapists regarding meeting continuing medical education requirements until December 31, 2021.

Effective Date: July 1, 2021.

Contact Person: Megan Maxey, Program Manager,  
[Megan.maxey@doh.wa.gov](mailto:Megan.maxey@doh.wa.gov), 360-236-4945.

**WSR 21-13-007**

**NOTICE OF PUBLIC MEETINGS  
HEALTH CARE AUTHORITY**

(Governor's Indian Health Advisory Council)

[Filed June 4, 2021, 7:57 a.m.]

Notice is hereby given that the governor's Indian health advisory council, or their appointed designees, pursuant to section 3(2) of SB 5415 (2019), will hold a regular open public meeting at the date, time, and place listed below. The meetings of the governor's Indian health advisory council are open public meetings under the applicable provisions of chapter 42.30 RCW, and each meeting shall be continued until the activity for which the meeting is held has been completed.

Meeting on July 21, 2021, at 9:00 a.m. - noon, virtual meeting only via Zoom <https://zoom.us/j/95345693355?pwd=VVFVbmh0amQ0MnhZUFVJajdQOFpJQT09>.

**WSR 21-13-013**

**HEALTH CARE AUTHORITY**

[Filed June 7, 2021, 2:44 p.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 21-0025 Air Ambulance Transportation Rates Website Update.

Effective Date: July 1, 2021.

Description: The health care authority (HCA) intends to submit medicaid SPA 21-0025 to update the reference to the website where air ambulance transportation rates are located. The website currently cited is no longer valid.

SPA 21-0025 is expected to have no effect on the annual aggregate expenditures/payments; this is a housekeeping change that does not affect expenditures or payment.

HCA is in the process of developing the SPA. HCA would appreciate any input or concerns regarding this SPA. To request a copy of the SPA when it becomes available or submit comments, you may contact the person following (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contact: Stefanee Hale, Ambulance Transport and Quality Assurance Fee, 626 8th Avenue S.E., Olympia, WA 98501, TRS 711, email [stefanee.hale@hca.wa.gov](mailto:stefanee.hale@hca.wa.gov).



**WSR 21-13-019**

**HEALTH CARE AUTHORITY**

[Filed June 8, 2021, 1:13 p.m.]

**NOTICE**

Title or Subject: Medicaid State Plan Amendment (SPA) 21-0024 July 2021 Fee Schedule Effective Date Updates.

Effective Date: July 1, 2021.

Description: The health care authority (HCA) intends to submit medicaid SPA 21-0024 to update the fee schedule effective dates for several medicaid programs and services. This is a regular, budget neutral update to keep rates and billing codes in alignment with the coding and coverage changes from the Centers for Medicare and Medicaid Services, the state, and other sources. These changes are routine and do not reflect significant changes to policy or payment. SPA 21-0024 addresses the fee schedule effective dates for the following (please note that other fee schedules may be identified for update subsequent to this notice):

- Ambulatory surgery centers.
- Outpatient services.
- Applied behavior analysis services.
- Conversion factors.

SPA 21-0024 is expected to have no effect on the annual aggregate expenditures/payments for the services listed above. These changes are routine and do not reflect significant changes to policy or payment.

HCA is in the process of developing the SPA. HCA would appreciate any input or concerns regarding this SPA. To request a copy of the SPA when it becomes available or submit comments, you may contact the person following (please note that all comments are subject to public review and disclosure, as are the names of those who comment).

Contact: Ann Myers, State Plan Coordinator, P.O. Box 42716, Olympia, WA 98504, TRS 711, email ann.myers@hca.wa.gov.

**WSR 21-13-022**

**PUBLIC RECORDS OFFICER  
DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Filed June 9, 2021, 8:40 a.m.]

Pursuant to RCW 42.56.580, the public records officer for the department of labor and industries is Matt Bell, P.O. Box 44632, Olympia, WA 98504-4632, phone 360-902-4404, fax 360-902-5529, email bmat235@lni.wa.gov.

Jessica Ward  
Information Governance Manager

**WSR 21-13-025**

**NOTICE OF PUBLIC MEETINGS  
FREIGHT MOBILITY  
STRATEGIC INVESTMENT BOARD**

[Filed June 9, 2021, 10:37 a.m.]

**2021 Meeting Schedule  
Updated June 9, 2021**

January 15	Virtual
March 26	Virtual
June 4	Virtual
September 16-17	Walla Walla
November 19	Tacoma

**WSR 21-13-027**

**NOTICE OF PUBLIC MEETINGS  
SKAGIT VALLEY COLLEGE**

[Filed June 9, 2021, 11:34 a.m.]

The Skagit Valley College board of trustees, at their June 8, 2021, meeting, approved the following meeting schedule for 2021-2022. Unless otherwise noted, all meetings will be held the second Tuesday of the month at the Mount Vernon Campus, 2405 East College Way, Mount Vernon, WA 98273, and will begin at 4:30 p.m.

**2021-2022**

**Board Meeting Dates**

**Location**

July 2021	<i>No regular meeting is scheduled.</i>
August 2021	<i>No regular meeting is scheduled.</i>
September 2021	<i>No regular meeting is scheduled.</i>
October 12, 2021	Mount Vernon Campus
<b>November 9, 2021</b>	<b>Whidbey Island Campus Oak Hall 306 1900 S.E. Pioneer Way Oak Harbor, WA 98277</b>
December 14, 2021	Mount Vernon Campus
January 2022	<i>No regular meeting is scheduled.</i>
February 8, 2022	Mount Vernon Campus
<b>March 8, 2022</b>	<b>Marine Technology Center 1606 "R" Avenue Anacortes, WA 98221</b>
April 2022	<i>No regular meeting is scheduled.</i>
May 10, 2022	Mount Vernon Campus
June 14, 2022	Mount Vernon Campus

**WSR 21-13-028**  
**DEPARTMENT OF ECOLOGY**  
[Filed June 9, 2021, 12:10 p.m.]

**PUBLIC NOTICE**  
**Chehalis Basin Board**  
**2021 Meeting Dates**

The department of ecology's office of Chehalis Basin has established regular Chehalis Basin Board meeting dates for 2021. Board meetings will regularly be held in 2021 on the first Thursday of each month.

With current directives from the governor's office surrounding the COVID-19 pandemic, the Chehalis Basin Board will be holding hybrid (in-person/online webinar) board meetings July - December 2021.

**Location (Hybrid):** Lewis County Board of County Commissioners Hearing Room  
351 NW North Street  
Chehalis, WA 98532  
Zoom online meeting  
<https://rossstrategic.zoom.us/j/97078221148>  
Call in option 1-888-788-0099  
Meeting ID 970 7822 1148

**Date:** July 1, 2021

**Location (Hybrid):** Aberdeen Log Pavilion  
1401 Sargent Boulevard  
Aberdeen, WA 98520  
Zoom online meeting  
<https://rossstrategic.zoom.us/j/95779427739>  
Call in option 1-888-788-0099  
Meeting ID 957 7942 7739

**Date(s):** August 5, 2021  
October 7, 2021  
December 2, 2021

**Location (Hybrid):** Veterans Memorial Museum  
100 S.W. Veterans Way  
Chehalis, WA 98532  
Zoom online meeting  
<https://rossstrategic.zoom.us/j/95779427739>  
Call in option 1-888-788-0099  
Meeting ID 957 7942 7739

**Date(s):** September 2, 2021  
November 4, 2021

To request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, call ecology at 360-407-6831 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington relay service at 711. People with speech disability may call TTY at 877-833-6341.

**WSR 21-13-033**  
**NOTICE OF PUBLIC MEETINGS**  
**ANDY HILL CANCER**  
**RESEARCH ENDOWMENT BOARD**  
[Filed June 10, 2021, 1:14 p.m.]

Updated Meeting Locations

The meeting locations for the September 15 and December 8, 2021, Andy Hill Cancer Research Endowment Board meetings have been changed. The updated Zoom meeting details follow:

Date	Time	Location
9/15/2021	3:00 - 5:00 p.m.	Zoom <a href="https://zoom.us/j/95980220289">https://zoom.us/j/95980220289</a> Meeting ID 959 8022 0289 Phone 253-215-8782, Meeting ID 95980220289#
12/8/2021	3:00 - 5:00 p.m.	Zoom <a href="https://zoom.us/j/95982194867">https://zoom.us/j/95982194867</a> Meeting ID 959 8219 4867 Phone 253-215-8782, Meeting ID 95982194867#

**WSR 21-13-035**  
**ATTORNEY GENERAL'S OFFICE**  
[Filed June 10, 2021, 1:44 p.m.]

**NOTICE OF REQUEST FOR ATTORNEY GENERAL'S OPINION**  
**WASHINGTON ATTORNEY GENERAL**

The Washington attorney general routinely publishes notice of an opportunity to comment for opinion requests that we receive from the heads of state agencies, state legislators, and county prosecuting attorneys if we anticipate publishing a formal opinion in response to the request. We do so in order to provide members of the public with a chance to provide any legal analysis that they would like us to consider as we develop our opinion. In preparing any comments, please be aware that our opinion will provide our considered legal analysis of the question presented, and therefore comments that address the interpretation of the law are more helpful than comments that express an opinion as to what the law should be.

If you are interested in commenting on a request listed in this volume of the register, you should notify the attorney general's office of your interest by July 14, 2021. This is not the due date by which comments must be received, and we will consider any comments we receive before we complete our opinion. However, if you do not notify the attorney general's office of your interest in commenting on an opinion request by this date, the opinion may be issued before your comments have been received. You may notify the attorney general's office of your intention to comment by email to [OpinionComments@atg.wa.gov](mailto:OpinionComments@atg.wa.gov) or by writing to the Office of the Attorney General, Solicitor General Division, Attention Opinions Chief, P.O. Box 40100, Olympia, WA 98504-0100. When you notify the office of your intention to comment, you may be provided with a copy of the opinion request in which you are interested, information about the attorney general's opinion process, information on how to submit your

comments, and a due date by which your comments must be received to ensure that they are fully considered.

If you are interested in receiving notice of new formal opinion requests via email, you may visit the attorney general's website at <http://www.atg.wa.gov/ago%E2%80%9990opinions> for more information on how to join our AGO opinions list.

The attorney general's office seeks public input on the following opinion request(s):

**Opinion Docket No. 21-06-02  
Request by Senator Jim Honeyford**

**QUESTIONS:**

1. When would a complete set of design documents created by an engineer for a non-agriculture and non-residential building that exceeds four thousand square feet amount to the practice of engineering as authorized in 18.43 RCW?

2. If the complete set of design documents is considered the practice of engineering as authorized by 18.43 RCW would those documents fall under the exemption to architectural licensing provided in RCW 18.08.410(1)?

**WSR 21-13-037**

**NOTICE OF PUBLIC MEETINGS  
STATE BOARD OF HEALTH**

[Filed June 10, 2021, 3:54 p.m.]

In accordance with the Open Public Meetings Act (chapter 42.30 RCW) and the Administrative Procedure Act (chapter 34.05 RCW), the following is the schedule of regular meetings for the Washington state board of health, for the year 2021. The board's meetings are open to the public and access for persons with disabilities may be arranged with advance notice; please contact the staff person below for more information.

Agendas for the meetings listed below are made available in advance via listserv and the board's website (see below). Every attempt is made to ensure that the agenda is up-to-date. However, the board reserves the right to change or amend agendas at the meeting.

**2021 Meeting Schedule**

Approved by the board November 9, 2020  
Update Approved by the board June 9, 2021

	<b>Meeting Date</b>	<b>Location</b>
Board	Wednesday July 14, 2021	CANCELLED 6/9/2021
Board	Wednesday August 11, 2021	VIRTUAL ONLY: Public attendees can preregister and access the meeting online at TBD. You can also dial-in using your phone. Call in TBD, Access Code TBD.
Board	Wednesday October 13, 2021	TBD Public attendees can pre-register and access the meeting online at TBD. You can also dial-in using your phone. Call in TBD, Access Code TBD. <i>(Note: possibly colocate with WSALPHO EPHD Meeting in mid-October; date TBD)</i>
Board	Wednesday November 10, 2021	TBD Public attendees can pre-register and access the meeting online at TBD. You can also dial-in using your phone. Call in TBD, Access Code TBD. <i>(Note: possibly colocate with WSAC &amp; WSALPHO County Leaders Conference in mid-November; date TBD)</i>

**Start time is 9:30 a.m. unless otherwise specified. Time and locations subject to change as needed. See the board of health website for the most current information.**

If you need further information, please contact Melanie Hisaw, Executive Assistant, Washington State Board of Health, P.O. Box 47990, Olympia, WA 98504-7990, phone 360-236-4110, email [melanie.hisaw@sboh.wa.gov](mailto:melanie.hisaw@sboh.wa.gov), web [www.sboh.wa.gov](http://www.sboh.wa.gov).

Please be advised the Washington state board of health is required to comply with the Public Records Act, chapter 42.56 RCW. This act establishes a strong state mandate in favor of disclosure of public records. As such, the information you submit to the board, including personal information, may ultimately be subject to disclosure as a public record.

WSR 21-13-052
NOTICE OF PUBLIC MEETINGS
EASTERN WASHINGTON
STATE HISTORICAL SOCIETY
[Filed June 14, 2021, 7:48 a.m.]

Below is the revised schedule for the board of trustees for the Eastern Washington state historical society for the remainder of the calendar year for 2021 which was agreed upon by the board of trustees.

Revised
Board of Trustees Meeting Schedule 2021

July 14

(NO MEETING IN AUGUST)

September 1

October 6

November 3

(NO MEETING IN DECEMBER)

3:00 - 4:30 p.m.

All meetings held via Microsoft Teams unless otherwise noted.

Northwest Museum of Arts and Culture
2316 West 1st Avenue
Spokane, WA 99201

WSR 21-13-053
RULES OF COURT
STATE SUPREME COURT
[June 4, 2021]

IN THE MATTER OF THE SUGGESTED ) ORDER
AMENDMENTS TO RAP 6.3 AND RAP ) NO. 25700-A-1345
9.7, AND NEW SUGGESTED RAP 6.4 )

The Court of Appeals and Court Recovery Task Force Appellate Committee, having recommended the adoption of the suggested amendments to RAP 6.3 and RAP 9.7, and new Suggested RAP 6.4, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as shown below are expeditiously adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendments will be expeditiously published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 4th day of June, 2021.

Johnson, J.

Gonzalez, C.J.

Gordon McCloud, J.

Table with 2 columns and 3 rows listing names: Madsen, J., Yu, J., Owens, J., Montoya-Lewis, J., Stephens, J., Whitener, J.

RAP 6.3
DIRECT REVIEW OF A FINAL DECISION OF AN
ADMINISTRATIVE AGENCY

The appellate court accepts direct review of a final decision of an administrative agency in an adjudicative proceeding according to the procedures set forth in RCW 34.05.518 and RCW 34.05.522. A case that has been certified for review by the superior court is treated as a direct appeal. A party contesting a superior court's order on certification shall follow the procedures for discretionary review. A party requesting direct review, the parties shall follow the procedures set forth in rule 6.2. A party contesting a superior court's order granting certification shall file a motion for relief with the court of appeals within 15 days of the order granting certification. Review of the certification decision shall be guided by standards set forth in RCW 34.05.518. On July 1, 2026 this rule shall revert to the version in effect prior to June 13, 2021.

RAP 9.7
PREPARING CLERK'S PAPERS AND EXHIBITS
FOR APPELLATE COURT

(a) Clerk's Papers. The clerk of the trial court shall make copies at cost, not to exceed 50 cents a page, of those portions of the clerk's papers designated by the parties and prepare them for transmission to the appellate court. The clerk shall assemble the copies and number each page of the clerk's papers in chronological order of filing, and bind in volumes of no more than 200 pages, or, as authorized by the appellate court, assemble and transmit the numbered clerk's papers to the appellate court in electronic format. The clerk shall prepare a cover sheet for the papers with the title "Clerk's Papers" and prepare an alphabetical index to the papers. The clerk shall promptly send a copy of the index to each party. The reproduction costs must be paid to the trial court clerk within 14 days of receipt of the index. Failure to do so may result in sanctions under rule 18.9. Within 14 days of receiving payment, the clerk shall forward the clerk's papers to the appellate court.

(b) Exhibits. The clerk of the trial court shall assemble those exhibits designated by the parties and prepare them for transmission to the appellate court. Exhibits that are papers should be assembled in the order the exhibits are numbered with a cover sheet that lists only the exhibits being transmitted and is titled "Exhibits."

(c) Certified Record of Administrative Adjudicative Orders. When an administrative agency has certified the record of an administrative order for review by the superior court, the clerk of the superior court shall electronically transmit to the appellate court the original record certified by the administrative agency.

**RAP 6.4**  
**DIRECT REVIEW OF A LAND USE**  
**PETITION ACT PROCEEDING**

The appellate court accepts direct review of a Land Use Petition Act proceeding according to the procedures set forth in RCW 36.70C. A case that has been certified for review by the superior court is treated as a direct appeal. This rule shall expire July 1, 2026.

**WSR 21-13-054**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [June 4, 2021]

IN THE MATTER OF THE SUGGESTED ) ORDER  
 AMENDMENTS TO RPC 1.13—ORGA- ) NO. 25700-A-1346  
 NIZATION AS CLIENT, CMT. [4] AND )  
 RPC 1.16—DECLINING OR TERMI- )  
 NATING REPRESENTATION, NEW )  
 WASHINGTON CMT. [16] )

The Washington State Bar Association Board of Governors, having recommended the adoption of the suggested amendments to RPC 1.13—Organization as Client, cmt. [4] and RPC 1.16—Declining or Terminating Representation, new Washington cmt. [16], and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendments will be published in the Washington Reports and will become effective September 1, 2021.

DATED at Olympia, Washington this 4th day of June, 2021.

	Gonzalez, C.J.
Johnson, J.	Gordon McCloud, J.
Madsen, J.	Yu, J.
Owens, J.	Montoya-Lewis, J.
Stephens, J.	Whitener, J.

**GR 9 COVER SHEET**

**Suggested Amendments to  
 THE RULES OF PROFESSIONAL CONDUCT (RPC)  
 Rule 1.16, Comment [4] and Rule 1.13 Additional Wash-  
 ington Comment [16] Submitted by the Board of Govern-  
 ors of the Washington State Bar Association**

**A. Name of Proponent:** Washington State Bar Association

**B. Spokespersons:**

Rajeev Majumdar, President, Washington State Bar Association

Jeanne Marie Clavere, Professional Responsibility Counsel, Washington State Bar Association

**C. Purpose:**

The purpose of the suggested amendments are to alert lawyers to consult the holding of a recent decision of the Washington State Supreme Court, *Karstetter v. King County Corrections Guild*, 193 Wn.2d 672, 444 P.2d 1185 (2019). RPC 1.16 (a)(3) provides that "a lawyer shall not represent a client ... if ... the lawyer is discharged." Current comment [4] to the rule provides that "A client may discharge a lawyer at any time, with or without cause, subject to liability for the lawyer's services." On its face, the Rule and comment suggest that any lawyer may be fired by a client without any recourse by the lawyer except for fees already earned.

In *Karstetter*, the Court held that lawyers employed as in-house counsel and lawyers with comparable employment relationships face unique employment expectations. Accordingly, the Court held that such lawyers may retain the ability to bring contract and wrongful discharge actions if those actions can be brought without damaging the integrity of the client-lawyer relationship.

The suggested amendments are intended to alert lawyers consulting the RPCs to this decision in two places. First, RPC 1.16 is directly impacted by the *Karstetter* decision. The suggested amendment adds additional language to Comment [4] pointing lawyers consulting the rule to the *Karstetter* decision. The new language of Comment [4], which would be a Washington revision, would read as follows: "However, the rule may apply differently with respect to in-house lawyers and lawyers with comparable employment situations. See *Karstetter v. King County Corrections Guild*, 193 Wn.2d 672, 444 P.3d 1185 (2019)."

Second, RPC 1.13 is focused on the responsibilities of lawyers for entities. As such, it would be appropriate to also add a reference to *Karstetter* in the comments to that rule. The amendment would add an "Additional Washington Comment [16]" at the end of the RPC 1.13 comments, which would read as follows: "In-house lawyers and lawyers with comparable employment situations may face unique employment expectations that impact their rights if discharged by the client. See *Karstetter v. King County Corrections Guild*, 193 Wn.2d 672, 444 P.3d 1185 (2019); Comment [4] to Rule 1.16."

**RPC 1.13**  
**ORGANIZATION AS CLIENT**

**(a)-(h)** [Unchanged.]

Comment

[1]-[14] [Unchanged.]

**Additional Washington Comments [15-16]**

[15] Unchanged.

[16] In-house lawyers and lawyers with comparable employment situations may face unique employment expectations that impact their rights if discharged by the client. See *Karstetter v. King County Corrections Guild*, 193 Wn.2d 672, 444 P.3d 1185 (2019); Comment [4] to Rule 1.16.

RPC 1.16

DECLINING OR TERMINATING REPRESENTATION

(a)-(d) [Unchanged.]

Comment

[1]-[3] [Unchanged.]

Discharge

[4] [Washington revision] A client has a right to discharge a lawyer at any time, with or without cause, subject to liability for payment for the lawyer's services. However, the rule may apply differently with respect to in-house lawyers and lawyers with comparable employment situations. See Karstetter v. King County Corrections Guild, 193 Wn.2d 672, 444 P.3d 1185 (2019); Washington Comment [16] to Rule 1.13. Where future dispute about the withdrawal may be anticipated, it may be advisable to prepare a written statement reciting the circumstances.

[5]-[9] [Unchanged.]

WSR 21-13-055

RULES OF COURT

STATE SUPREME COURT

[June 4, 2021]

IN THE MATTER OF THE SUGGESTED ) ORDER
AMENDMENTS TO GR 23—RULE FOR ) NO. 25700-A-1347
CERTIFYING PROFESSIONAL )
GUARDIANS AND CONSERVATORS )

The Certified Professional Guardianship Board, having recommended the adoption of the suggested amendments to GR 23—Rule for Certifying Professional Guardians and Conservators, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9(j)(1), the suggested amendments will be published in the Washington Reports and will become effective September 1, 2021.

DATED at Olympia, Washington this 4th day of June, 2021.

Johnson, J. \_\_\_\_\_
Madsen, J. \_\_\_\_\_
Owens, J. \_\_\_\_\_
Stephens, J. \_\_\_\_\_
Gonzalez, C.J. \_\_\_\_\_
Gordon McCloud, J. \_\_\_\_\_
Yu, J. \_\_\_\_\_
Montoya-Lewis, J. \_\_\_\_\_
Whitener, J. \_\_\_\_\_

SUGGESTED AMENDMENTS TO GENERAL RULE (GR) 23
RULE FOR CERTIFYING PROFESSIONAL GUARDIANS

(A) Name of Proponent: Certified Professional Guardianship Board ("Board" herein)

(B) Spokesperson: Judge Rachelle Anderson, Chair, Certified Professional Guardianship Board

(C) Purpose: The suggested amendments aim to align General Rule 23 with changes to nomenclature and qualifications of guardians pursuant to the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (or "UGA") as codified at RCW 11.130. The UGA becomes effective on January 1, 2022, with the exception of the provisions covering minor guardianship, which become effective January 1, 2021. The suggested amendments also propose to change the formal education requirement for professional guardians currently contained in GR 23. The Board requests the Court to consider whether the profession may benefit from allowing individuals to become certified who may have lacked access to higher education, but who possess substantial relevant experience and complete Board required training.

Introduction

A guardian is a person appointed by the superior court to make decisions on behalf of a person who does not possess legal capacity. A guardian may be appointed to make all decisions on behalf of a person (full guardianship) or a defined decision or subset of decisions (limited guardianship). Further, a guardian may be appointed to make decisions with respect to health, safety and welfare of an individual (guardian of the person) or with respect to an individual's finances (guardian of the estate) or both.

The superior court may appoint as guardian a family member, friend, volunteer, or a "professional guardian." A professional guardian is paid to provide guardianship services to three or more persons under both current law and the UGA. See RCW 11.88.008 and RCW 11.130.010(26).

To qualify for appointment by the superior court, a professional guardian must meet the certification requirements established by the administrator of the courts under current law and the UGA. See RCW 11.88.020(1) and RCW 11.130.090(1) (with limited statutory exceptions). Certification requirements include completion of training as determined by the Board. The Supreme Court delegated authority and responsibility to develop, adopt and implement regulations governing certification, minimum standards of practice, training, and discipline of professional guardians, to protect the public and facilitate the delivery of competent and ethical guardianship services to the Board in General Rule 23.

I. Align GR 23 with nomenclature and guardian qualifications of the Uniform Guardianship, Conservatorship, and Other Protective Arrangements Act (UGA)

The UGA promotes using person-centered language including replacing the terms "ward" and "incapacitated person" with "individual subject to guardianship or conservatorship." The UGA also introduces "conservatorship" in lieu of "guardian of the estate." The UGA includes sections providing for court orders of a protective arrangement for an individual in lieu of guardianship or conservatorship, but based upon the same capacity determinations. The UGA also

focuses on lesser restrictive alternatives, including provisions governing supported decision making agreements.

The suggested changes include technical reference to the correct Chapters of the RCW. Suggested changes include replacing the terms "guardian of the estate," "guardianship of the estate" and "incapacitated person" with "conservator," "conservatorship" and "individual subject to guardianship" or "individual subject to conservatorship" respectively. The suggested changes align the age requirements and define the criminal convictions, court or administrative proceedings findings that may disqualify an individual from certification, as well as required disclosures. The suggested title of GR 23 and the Board's name clarify that GR 23 governs both the practice of guardianship, which involves making decisions about the personal affairs of another person, and conservatorship, which involves management of another person's property and financial affairs. The suggested changes restate the functions of the Board as expressed by the Court in case law.

## II. Change in the Formal Education Minimum Requirement

Currently, GR 23 requires that an applicant possess a minimum of a two year associates degree to qualify for certification. The Board considered the various complex pros and cons of retaining the formal education minimum requirement. Ultimately, the Board concluded that it would be making an important statement about diversity and inclusion by suggesting changing the requirement. This suggestion acknowledges that the post-secondary education requirement has acted as a barrier for communities within the state that have historically not had resources and access to higher education. Further, the Board bases its recommendation on the pillars of the substantial relevant experience requirement (five years) and the robust training program that the Board requires applicants to complete, in addition to meeting all other application requirements.

Another key consideration was that of language and cultural competency of CPG services and the needs of underserved communities. The Board took note of the issue of underserved communities across the state. This suggested change may allow Washington's vulnerable populations to be better served by establishing a path for individuals who for historical reasons have not had access to higher education, but bring knowledge, skills and competencies of great value to Washington's diverse population of vulnerable individuals.

### Recommendations

The Board considered these suggestions and voted to approve the suggested amendments.

**(D) Hearing:** None requested.

**(E) Expedited Consideration:** Is not requested.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

## GR 23

### RULE FOR CERTIFYING PROFESSIONAL GUARDIANS AND CONSERVATORS

**(a) Purpose and Scope.** This rule establishes the standards and criteria for the certification of professional guardians and conservators as defined by RCW ~~11.88.008~~

11.130.010(26) and prescribes the conditions of and limitations upon their activities. This rule does not duplicate the statutory process by which the courts supervise guardians and conservators nor is it a mechanism to appeal a court decision regarding the appointment or ~~conduct~~ statutory duties of a professional guardian or conservator.

**(b) Jurisdiction.** All professional guardians and conservators who practice in the state of Washington are subject to these rules and regulations. Jurisdiction shall continue whether or not the professional guardian and conservator retains certification under this rule, and regardless of the professional guardian's and conservator's residence.

### **(c) Certified Professional Guardianship and Conservatorship Board.**

#### (1) Establishment.

(i) Membership. The Supreme Court shall appoint a Certified Professional Guardianship and Conservatorship Board (Board) of 12 or more members. The Board shall include representatives from the following areas of expertise: professional guardians and conservators; attorneys; advocates for ~~incapacitated persons~~ individuals subject to guardianship and conservatorship; courts; state agencies; and those employed in medical, social, health, financial, or other fields pertinent to guardianships and conservatorships. No more than one-third of the Board membership shall be practicing professional guardians and conservators.

(ii)-(iv) [Unchanged.]

(2) Authority. The Court authorizes and grants to the Board jurisdiction to oversee the certification, regulation, investigation and discipline of professional guardian and conservators and related agencies.<sup>1</sup>

#### (23) Duties and Powers.

(i) Applications. The Board shall process applications for professional guardian and conservator certification under this rule. The Board may delay or deny certification if an applicant fails to provide required ~~basic or supplemental~~ information.

(ii) Standards of Practice. The Board shall adopt and implement policies or regulations setting forth minimum standards of practice which professional guardians and conservators shall meet.

(iii) Training Program. The Board shall adopt and implement regulations establishing a professional guardian and conservator training program.

(iv)-(vii) [Unchanged.]

(viii) Grievances and Disciplinary Sanctions. The Board shall adopt and implement procedures to review any allegation that a professional guardian and conservator has violated an applicable statute, fiduciary duty, court order, standard of practice, rule, regulation, or other requirement governing the conduct of professional guardians and conservators. The Board may take disciplinary action and impose disciplinary sanctions based on findings that establish a violation of an applicable statute, duty, court order, standard of practice, rule, regulation or other requirement governing the conduct of professional guardians and conservators. Sanctions may include decertification or lesser remedies or actions designed to ensure compliance with duties, standards, and requirements for professional guardians and conservators.

<sup>1</sup> (ix) Investigation. The Board may investigate to determine whether an applicant for certification meets the certification requirements established in this rule. The Board may also investigate to determine whether a professional guardian and conservator has violated any statute, fiduciary duty, court order, standard of practice, rule, regulation, or other requirement governing the conduct of professional guardians and conservators.

1 This section codifies a central tenet of the Supreme Court's decision *In re Disciplinary Proceeding Against Petersen*, 180 Wn.2d 768 (2014).

(x)-(xi) [Unchanged.]

(xii) Meetings. The Board shall hold meetings as determined to be necessary by the ~~e~~ Chair. Meetings of the Board will be open to the public except for executive session, review panel, or disciplinary meetings prior to filing of a disciplinary complaint.

(xiii) [Unchanged.]

~~(34)~~ **Board Expenses.** Board members shall not be compensated for their services. Consistent with the Office of Financial Management rules, Board members shall be reimbursed for actual and necessary expenses incurred in the performance of their duties. All expenses shall be paid pursuant to a budget submitted to and approved by the Supreme Court. Funds accumulated from examination fees, annual fees, and other revenues shall be used to defray Board expenses.

~~(45)~~ **Agency.** Hearing officers are agents of the Board and are accorded rights of such agency.

~~(56)~~ **Immunity from Liability.** The Board, its members, or agents, including duly appointed hearing officers, shall enjoy quasi-judicial immunity if the Supreme Court would have immunity in performing the same functions.

~~(67)~~ **Conflict of Interest.** A Board member should disqualify himself or herself from making any decisions in a proceeding in which his or her impartiality might reasonably be questioned, including but not limited to, when the Board member has a personal bias or prejudice concerning a party or personal knowledge of disputed evidentiary facts concerning the proceeding.

~~(78)~~ **Leave of Absence.** The Board may adopt regulations specifying that a Board member who is the subject of a disciplinary investigation by the Board must take a leave of absence from the Board. A Board member may not continue to serve as a member of the Board if the Board or Supreme Court has imposed a final disciplinary sanction on the Board member.

~~(89)~~ **Administration.** The Administrative Office of the Courts (AOC) shall provide administrative support to the Board and may contract with agencies or organizations to carry out the Board's administrative functions.

**(d) Certification Requirements.** Applicants, Certified Professional Guardians and Conservators, and Certified Agencies shall comply with the provisions of Chapter ~~11.88 and 11.92~~ 11.130 RCW. In addition, individuals and agencies must meet the following minimum requirements.

(1) **Individual Certification.** The following requirements apply to applicants ~~and do not apply to currently certified professional guardians, except as stated in subsection (d)(1)~~

~~(vii)~~. An individual applicant shall:

(i) Be at least ~~18~~ 21 years of age;

(ii) [Unchanged.];

(ii) Have no ~~felony or misdemeanor convictions involving moral turpitude~~ convictions of a crime, or court or administrative proceeding findings, involving dishonesty, neglect, abuse, or use of physical force;

~~(iv)~~ Have no convictions of a crime, or court or administrative proceeding findings, relevant to the functions the individual would assume as a guardian or conservator;

~~(iv)~~ Possess a high school degree or GED equivalent and at least five full years' experience working in a discipline pertinent to the provision of guardianship and conservatorship services, or P possess an associate's degree from an accredited institution and at least four full years' experience working in a discipline pertinent to the provision of guardianship and conservatorship services, or a baccalaureate degree from an accredited institution and at least two full years' experience working in a discipline pertinent to the provision of guardianship and conservatorship services, or a Masters, J.D., Ph.D., or equivalent advanced degree from an accredited institution and at least one year's experience working in a discipline pertinent to the provision of guardianship and conservatorship services;

~~(v)~~ (vi) The experience required by this rule is experience in which the applicant has developed skills that are transferable to the provision of guardianship and conservatorship services and must include decision-making or the use of independent judgment for the benefit of others, not limited to ~~incapacitated persons~~ individuals subject to guardianship or conservatorship, in the area of legal, financial, social services or healthcare or other disciplines pertinent to the provision of guardianship and conservatorship services;

(vii) Have completed the mandatory certification training.

~~(vii)~~ Applicants enrolled in the mandatory certification training on September 12, 2008, and who satisfactorily complete that training, shall meet the certification requirements existing on that date, or the date the applicant submitted a complete application for certification, whichever date is earlier, and not the requirements set forth in this rule.

(viii) An individual certified under this General Rule prior to January 1, 2022 and in good standing under all Board regulations will automatically continue to be certified as a Certified Professional Guardian and Conservator (CPGC) as of January 1, 2022.

(2) **Agency Certification.** Agencies must meet the following additional requirements:

(i) All officers and directors of the corporation must meet the qualifications of RCW ~~11.88.020~~ 11.130.090 for guardians and conservators;

(ii) Each agency shall have at least two (2) individuals in the agency certified as professional guardians and conservators, whose residence or principal place of business is in Washington ~~S~~ state and who are so designated in minutes or a resolution from the Board of Directors; and

(iii) Each agency shall file and maintain in every guardianship and conservatorship court file a current designation of each certified professional guardian and conservator with final decision-making authority for the ~~incapacitated person~~ individual subject to guardianship or individual subject to conservatorship or their estate.

(3) [Unchanged.]



(4) *Insurance Coverage.* In addition to the bonding requirements of chapter ~~41-88~~ 11.130.040 RCW, applicants must be insured ~~or bonded~~ at all times in such amount as may be determined by the Board and shall notify the Board immediately of cancellation of required coverage.

(5) *Financial Responsibility.* Applicants must provide proof of ability to respond to damages resulting from acts or omissions in the performance of services as a guardian or conservator. Proof of financial responsibility shall be in such form and in such amount as the Board may prescribe by regulation.

(6) *Application ~~is~~ under Oath.* Applicants must execute and file with the Board an approved application under oath.

(7) [Unchanged.]

(8) *Disclosure.* An applicant for certified professional guardian and conservator or certified agency shall disclose upon application:

(i)[Unchanged.]

(ii) Any court finding that the applicant has violated its duties as a fiduciary, or committed a felony or any crime involving moral turpitude or has violated federal or any state's consumer protection act or violation of any other statute proscribing unfair or deceptive acts or practices in the conduct of business;

(iii) Any felony convictions;

(iv) Any criminal convictions, or any court or administrative proceeding findings, involving dishonesty, neglect, abuse, violence, or use of physical force;

(v) Any criminal convictions, or any court or administrative proceeding findings, relevant to the functions assumed as guardian or conservator;

(~~vi~~) Any adjudication of the types specified in RCW 43.43.830 and RCW 43.43.842 (laws restricting access to, and professional licensing with respect to working with, vulnerable adults and children);

(~~vii~~) Pending or final licensing or disciplinary board actions or findings of violations;

(~~viii~~) The existence of a judgment against the applicant within the preceding eight years in any civil action;

(~~ix~~) Whether the applicant ~~has filed for bankruptcy within the last seven years~~ is or has been a debtor in a bankruptcy, insolvency, or receivership proceeding. Disclosure of a bankruptcy filing ~~within the past seven years~~ may require the applicant or guardian and conservator to provide a personal credit report from a recognized credit reporting bureau satisfactory to the Board;

(~~x~~) The existence of a judgment against the applicant or any corporation, partnership or limited liability ~~corporation~~ company for which the applicant was a managing partner, controlling member or majority shareholder within the preceding eight years in any civil action.

(9) *Denial of Certification.* The Board may deny certification of an individual or agency based on any of the following criteria:

(i)-(ii)[Unchanged.]

(iii) Any court finding that the applicant has violated its fiduciary duties or committed a felony or any crime involving moral turpitude or has violated federal or any state's consumer protection act or violation of any other statute pro-

scribing unfair or deceptive acts or practices in the conduct of business;

(iv) Any felony convictions;

(v) Any criminal convictions, or any court or administrative proceeding findings, involving dishonesty, neglect, abuse, violence, or use of physical force;

(vi) Any criminal convictions, or any court or administrative proceeding findings, relevant to the functions assumed as guardian or conservator;

(~~vii~~) Any adjudication of the types specified in RCW 43.43.830 and RCW 43.43.842 (laws restricting access to, and professional licensing with respect to working with, vulnerable adults and children);

(~~viii~~) Pending or final licensing or disciplinary board actions or findings of violations;

(~~ix~~) A Board determination based on specific findings that the applicant lacks the requisite moral character or is otherwise unqualified to practice as a professional guardian and conservator;

(~~x~~) A Board determination based on specific findings that the applicant's financial responsibility background is unsatisfactory.

(10) *Designation/Title.* An individual certified under this rule may use the initials "CPGC" following the individual's name to indicate status as "Certified Professional Guardian and Conservator." An agency certified under this rule may indicate that it is a "Certified Professional Guardian and Conservator Agency" by using the initials "CPGCA" after its name. An individual or agency may not use the term "certified professional guardian and conservator" or "certified professional guardian and conservator agency" as part of a business name.

**(e) Guardian and Conservator Disclosure Requirements.**

(1) A Certified Professional Guardian and Conservator or Certified Agency shall disclose to the Board in writing within 30 days of occurrence:

(i) The existence of a judgment against the professional guardian and conservator arising from the professional guardian and conservator's performance of services as a fiduciary;

(ii) Any court finding that the professional guardian and conservator violated its fiduciary duties, or committed a felony or any crime involving moral turpitude or has violated federal or any state's consumer protection act or violation of any other statute proscribing unfair or deceptive acts or practices in the conduct of business;

(iii) Any felony convictions;

(iv) Any criminal convictions, or any court or administrative proceedings findings, involving dishonesty, neglect, abuse, violence, or use of physical force;

(v) Any criminal convictions, or any court or administrative proceedings findings relevant to the functions assumed as guardian or conservator;

(~~vi~~) Any adjudication of the types specified in RCW 43.43.830 and RCW 43.43.842 (laws restricting access to, and professional licensing with respect to working with, vulnerable adults and children);

(vii) Pending licensing or disciplinary actions related to fiduciary responsibilities or final licensing or disciplinary actions resulting in findings of violations;

(viii) Residential or business moves or changes in employment; and

(ix) Names of Certified Professional Guardians and Conservators and they employ or who leave their employ.

(2) Not later than June 30 of each year, each professional guardian and conservator and guardian and conservator agency shall complete and submit an annual disclosure statement providing information required by the Board.

(f) [Unchanged.]

(g) **Personal Identification Number.** The Board shall establish an identification numbering system for professional guardians and conservators. The Personal Identification Number shall be included with the professional guardian's and conservator's signature on documents filed with the court.

**(h) Ethics Advisory Opinions, Comments, and Best Practices.**

(1) The Board may issue written ethics advisory opinions, comments and best practices to inform and advise Certified Professional Guardians and Conservators and Certified Agencies of their ethical obligations.

(2) Any Certified Professional Guardian and Conservator or Certified Agency may request in writing an ethical advisory opinion from the Board. Compliance with an opinion issued by the Board shall be considered as evidence of good faith in any subsequent disciplinary proceeding involving a Certified Professional Guardian and Conservator or Certified Agency.

(3) The Board shall publish opinions issued pursuant to this rule in electronic or paper format. The identity of the person requesting an opinion is confidential and not public information.

(i) [Unchanged.]

[Adopted effective January 25, 2000; amended effective April 30, 2002; April 1, 2003; September 1, 2004; January 13, 2009; September 1, 2010;]

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

**WSR 21-13-056  
RULES OF COURT  
STATE SUPREME COURT**

[June 4, 2021]

IN THE MATTER OF THE SUGGESTED ) ORDER  
AMENDMENTS TO COUNCIL ON ) NO. 25700-A-1348  
PUBLIC DEFENSE'S INDIGENT )  
DEFENSE APPELLATE PERFOR- )  
MANCE GUIDELINES AND PRO- )  
POSED AMENDMENTS TO CrR 3.1 )  
STDS, CrRLJ 3.1 STDS, JuCR 9.2 STDS, )  
MPR 2.1 STDS )

The Washington State Bar Association Board of Governors, having recommended the adoption of the suggested amendments to Council on Public Defense's Indigent Defense Appellate Performance Guidelines and proposed amendments to CrR 3.1 Stds, CrRLJ 3.1 Stds, JuCR 9.2 Stds, MPR 2.1 Stds, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendments will be published in the Washington Reports and will become effective September 1, 2021.

DATED at Olympia, Washington this 4th day of June, 2021.

	Gonzalez, C.J.
_____ Johnson, J.	_____ Gordon McCloud, J.
_____ Madsen, J.	_____ Yu, J.
_____ Owens, J.	_____ Montoya-Lewis, J.
_____ Stephens, J.	_____ Whitener, J.

**GR 9 Cover Sheet  
Suggested Amendment**

Adoption of the *Washington State Guidelines for Appointed Counsel in Indigent Appeals* and amendment to the Standards Certification of Compliance for CrR 3.1, CrRLJ 3.1 and JuCR 9.2 Submitted by the Board of Governors of the Washington State Bar Association

**A. Name of Proponent:**

Washington State Bar Association

**B. Spokespersons:**

Kyle Sculichetti, President, Washington State Bar Association

Travis Stearns, Chair, Council on Public Defense, Washington State Bar Association

Diana Singleton, Access to Justice Manager, Washington State Bar Association

**C. Purpose:**

The *Standards for Indigent Defense* adopted by the Washington Supreme Court set a caseload limit for appointed counsel representing clients in criminal cases, including those representing persons in their appeals. The *Standards for Indigent Defense* also require appointed counsel in criminal cases to be familiar with the *Performance Guidelines for Criminal Defense Representation* and the *Performance Guidelines for Juvenile Defense Representation* approved by the Washington State Bar Association.

Unlike trial lawyers, before the creation of the *Washington State Guidelines for Appointed Counsel in Indigent Appeals*, no uniform guidance for appellate attorneys existed. These guidelines were created to provide guidance to attorneys who handle appeals for cases where there is a constitutional right to appellate counsel.

These guidelines were originally drafted by an experienced group of appellate attorneys, including the Federal Public Defender, two Washington Appellate Project lawyers, two indigent defense attorneys who worked outside an office structure, and a specialist in Personal Restraint Petitions. The Washington State Office of Public Defense assisted in drafting the guidelines. The drafters of the guidelines modelled them after guidelines adopted in other states and by national organizations, including the American Bar Association and the National Legal Aid and Defender Association.

After the guidelines were drafted, they were sent out to every attorney who represents persons in indigent defense cases. After their feedback was incorporated into the guidelines, the Washington State Office of Public Defense incorporated compliance with them into its contracts. With some minor changes, the guidelines have been used by the Office of Public Defense for several years.

The guidelines were proposed for adoption by the Supreme Court this year. With some amendments, they were approved by a super majority of the Council on Public Defense. They were then sent to the Board of Governors, where it was recommended that the guidelines be sent to the Supreme Court to be added to the *Standards for Indigent Defense*.

The Council on Public Defense recommends adoption of the guidelines and that they be incorporated into the *Standards for Indigent Defense*. The appellate guidelines fill a gap not otherwise addressed in the current guidelines the Supreme Court has. The appellate guidelines also have broad stakeholder support. Their adoption will continue to improve the quality of indigent appellate defense.

**[Note: The following standards apply to CrR 3.1 stds., JuCR 9.2 stds., CrRLJ 3.1 stds., and MPR 2.1 stds.]**

**STANDARDS FOR INDIGENT DEFENSE**

**Standard 14. Qualifications of Attorneys**

*Standard 14.1.* In order to assure that indigent accused receive the effective assistance of counsel to which they are constitutionally entitled, attorneys providing defense services shall meet the following minimum professional qualifications:

A. D. [Unchanged.]

E. Be familiar with the Washington State Guidelines for Appointed Counsel in Indigent Appeals; and

E-F. Be familiar with the consequences of a conviction or adjudication, including possible immigration consequences and the possibility of civil commitment proceedings based on a criminal conviction; and

F-G. Be familiar with mental health issues and be able to identify the need to obtain expert services; and

G-H. Complete seven hours of continuing legal education within each calendar year in courses relating to their public defense practice.

[Adopted effective October 1, 2012; amended effective April 24, 2018.]

*Standard 14.2 Standard 14.4* [Unchanged.]

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 21-13-057  
RULES OF COURT  
STATE SUPREME COURT**

[June 4, 2021]

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 21-14 issue of the Register.

**WSR 21-13-058  
RULES OF COURT  
STATE SUPREME COURT**

[June 4, 2021]

IN THE MATTER OF THE SUGGESTED ) ORDER  
NEW GENERAL RULE (GR) 39— ) NO. 25700-A-1350  
REMISSION OF LEGAL FINANCIAL )  
OBLIGATIONS )

The Washington State Legal Financial Obligation Stakeholder Consortium, having recommended the adoption of the suggested new General Rule (GR) 39—Remission of Legal Financial Obligations, and the Court having considered the suggested amendments, and having determined that the suggested amendments will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendments as shown below are adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendments will be published in the Washington Reports and will become effective on a date to be determined.

DATED at Olympia, Washington this 4th day of June, 2021.

	Gonzalez, C.J.
_____ Johnson, J.	_____ Gordon McCloud, J.
_____ Madsen, J.	_____ Yu, J.
_____ Owens, J.	_____ Montoya-Lewis, J.
_____ Stephens, J.	_____ Whitener, J.

**GR 9 COVER SHEET  
Suggested New General Rule (GR)**

**WASHINGTON STATE COURT RULES:**

**RULE 39. REMISSION OF LEGAL FINANCIAL OBLIGATIONS**  
**Submitted by Washington State LFO Stakeholder Consortium, Workgroup**

**(A) Name of Proponent:** Washington State LFO Stakeholder Consortium, Workgroup

**(B) Spokesperson:** Judge David Steiner, King County Superior Court

**(C) Purpose:** Trial courts may not impose discretionary costs upon an indigent defendant and may not impose discretionary costs upon a non-indigent defendant unless the defen-

dant is able to pay those costs. RCW 10.01.160 (3). When legal financial obligations (LFOs) in any form are imposed upon indigent defendants or imposed upon non-indigent defendants in an amount greater than the defendant's ability to pay, these LFOs create problems that have been well documented. *State v. Blazina*, 182 Wn.2d 827, 834 - 837, 344 P.3d 680 (2015). LFOs may include court-imposed costs, fines, fees, penalties, assessments, and restitution. LFOs may have been imposed without an individualized inquiry into a defendant's ability to pay, or a sentenced defendant may have lost the ability to pay LFOs ordered at the time of sentencing. State law currently requires that, upon motion by a defendant, following the defendant's release from total confinement, the court shall waive all interest on the portions of the LFOs that have accrued that are not restitution. RCW 10.82.090. In addition, if default on payment of LFOs is not willful and the defendant is indigent as defined in RCW 10.101.010 (3)(a) through (c), the court shall modify the terms of payment of the LFOs, reduce or waive nonrestitution legal financial obligations, or convert nonrestitution legal financial obligations to community restitution hours if the jurisdiction operates a community restitution program, at the rate of no less than the state minimum wage established in RCW 49.46.020 for each hour of community restitution. RCW 9.94A.6333 (3)(f). This proposed rule creates a process whereby a defendant may request remission or reduction of LFOs (except for restitution and victim penalty assessment). Defendants may also request removal of LFOs from collection, payment by other forms of community restitution and additional time to pay. This proposed rule cites to existing authority regarding the disposition of hearings related to the imposition of LFOs and does not create new authority directing the outcome of a petition requesting remission of LFOs. In drafting this proposed rule, consideration was given to the following authorities: GR 34; RCW 9.94A.6333 (3)(f); RCW 9.94A.780(7); RCW 9.94B.-040 (4)(f); RCW 10.01.160 (3) & (4); RCW 10.01.170(1); RCW 10.01.180(5); RCW 10.101.010(3); RCW 10.82.090; RCW 36.18.016(29); *State v. Blazina*, 182 Wn.2d 827, 344 P.3d 680 (2015); *State v. Ramirez*, 191 Wn.2d 732, 426 P.3d, 714 (2018).

The definition of an LFO within this proposed rule does not include clerk's fees imposed pursuant to RCW 9.94A.780 (7) and RCW 36.18.016(29). These clerk's fees must not exceed the annual cost of collections and must never exceed \$100 annually. A county clerk may also "exempt or defer payment of all or part of the assessment" based upon any of the factors listed in RCW 9.94A.780(1). RCW 9.94A.780(7).

**(D) Hearing:** A hearing is not recommended.

**(E) Expedited Consideration:** Expedited consideration is not requested.

#### SUGGESTED NEW GENERAL RULE:

##### GR 39

#### REMISSION OF LEGAL FINANCIAL OBLIGATIONS

##### (a) Definitions.

(1) Legal financial obligation (LFO), as referenced in this rule, means costs, fines, fees, penalties, assessments, and restitution imposed by a Washington court and does not include the RCW 9.94A.780 clerk's fee for collecting the LFO.

(2) Indigent is defined in RCW 10.101.010.

**(b) Relief Available.** An individual who has been required to pay LFOs may petition the sentencing court for a waiver of interest and remission or reduction of any unpaid portion of the LFOs, except restitution and victim penalty assessment, and may request any other relief as allowed by law. The petitioner may also request that the LFOs be removed from a collection agency; request additional time to pay the LFOs; and, excluding restitution and victim penalty assessment, request payment by community service or other forms of community restitution if available in the community.

**(c) Indigence or Inability to Pay.** A petition shall allege that the petitioner is indigent or lacks the financial ability to pay the LFO. Provided, indigence and ability to pay are not related to a request to waive interest pursuant to RCW 10.82.090.

**(d) Mandatory Form and Notice.** The petitioner shall complete and file a mandatory pattern form petition, declaration of mailing and proposed order created by the Administrative Office of the Courts (AOC). The petitioner may attach appropriately redacted financial documents supporting the request. See GR 31(e). The petitioner shall also mail copies of the petition, declaration of mailing and proposed order to the appropriate prosecuting attorney.

**(e) Submission of Petition; Fee.** The court shall accept the petition submitted in person, by mail, or, where authorized by local court rule not inconsistent with GR 30, by electronic filing. All petitions shall be presented to a judicial officer for consideration in a timely manner and there shall be no fee imposed for filing and consideration of a petition.

**(f) Hearings; Notice.** The judicial officer may set the petition for a hearing, or may consider the petition ex parte without a hearing no sooner than three business days from filing of the petition and declaration of mailing or the filing of the declaration of mailing, if filed after the petition. Provided, when the appropriate prosecuting authority files a letter with a presiding judge requesting notice of all petitions filed pursuant to this rule, the court shall set all such petitions for hearing and send the notice of hearing to all parties. In the letter provided to the presiding judge, the prosecuting authority, however, may limit the notice requested to select cases, such as cases where the fine or costs are greater than a specified amount.

**(g) Telephonic Hearing.** Hearings by telephone improve access to the courts. If a petition is set for hearing, upon request, the court in its discretion may permit a telephone appearance by the petitioner subject to local court rule and/or local policies.

#### GR 39

#### REMISSION OF LEGAL FINANCIAL OBLIGATIONS

[Containing Amendments from the December 2020 through April 31, 2021 Comment Period]

##### (a) Definitions.

(1) Legal financial obligation (LFO), as referenced in this rule, means costs, fines, fees, penalties, assessments, and restitution imposed by a Washington court and does not include the RCW 9.94A.780 clerk's fee for collecting the LFO.

(2) "Indigent" is defined in RCW 10.101.010.

(b) **Relief Available.** An individual who has been required to pay LFOs may petition the sentencing court for a waiver of interest and remission or reduction of any unpaid portion of the LFOs, except restitution and mandatory LFOs not subject to remission or reduction, and may request any other relief as allowed by law. The petitioner may also request that the LFOs be removed from a collection agency; request additional time to pay the LFOs; and, excluding restitution and mandatory LFOs not subject to remission or reduction, request payment by community service or other forms of community restitution if available in the community.

(c) **Indigence or Inability to Pay.** A petition shall allege that the petitioner is indigent or lacks the financial ability to pay the LFO. Provided, a petitioner is not required to show indigence or the lack of ability to pay an LFO when making a request to waive interest on a nonrestitution LFO pursuant to RCW 10.82.090.

(d) **Mandatory Form and Notice.** The petitioner shall complete and file a mandatory pattern form petition, declaration of mailing and proposed order created by the Administrative Office of the Courts (AOC). The petitioner may attach appropriately redacted financial documents supporting the request. See GR 31(e). The petitioner shall also mail copies of the petition, declaration of mailing and proposed order to the appropriate prosecuting attorney.

(e) **Submission of Petition; Fee.** The court shall accept the petition submitted in person, by mail, or, where authorized by local court rule not inconsistent with GR 30, by electronic filing. All petitions shall be presented to a judicial officer for consideration in a timely manner and there shall be no fee imposed for filing and consideration of a petition.

(f) **Hearings; Notice.** The judicial officer may set the petition for a hearing, or may consider the petition ex parte without a hearing no sooner than three business days from filing of the petition and declaration of mailing or the filing of the declaration of mailing, if filed after the petition. Provided, when the appropriate prosecuting authority files a letter with a presiding judge requesting notice of all petitions filed pursuant to this rule, the court shall set all such petitions for hearing and send the notice of hearing to all parties. In the letter provided to the presiding judge, the prosecuting authority, however, may limit the notice requested to select cases, such as cases where the fine or costs are greater than a specified amount.

(g) **Telephonic Hearing.** Hearings by telephone or video conference improve access to the courts. If a petition is set for hearing, upon request, the court in its discretion may permit a telephone or video conference appearance by the petitioner subject to local court rule and/or local policies.

The Washington State Bar Association Board of Governors, having recommended the adoption of the suggested amendment to RPC 1.4—Communication, and the Court having considered the suggested amendment, and having determined that the suggested amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendment as shown below is adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendment will be published in the Washington Reports and will become effective September 1, 2021.

DATED at Olympia, Washington this 4th day of June, 2021.

	Gonzalez, C.J.
	Gordon McCloud, J.
Madsen, J.	Yu, J.
	Montoya-Lewis, J.
Stephens, J.	Whitener, J.

**GR 9 COVER SHEET**  
**Suggested Amendments to**  
**RULES OF PROFESSIONAL CONDUCT**  
Rule 1.4

**A. Proponent**

Washington State Bar Association

**B. Spokespersons**

Kyle Sciuchetti, President

Washington State Bar Association

Staff Contact: Douglas J. Ende, Chief Disciplinary Counsel

Washington State Bar Association

**C. Purpose**

The proponent recommends adoption of suggested amendments to Rule 1.4 of the Rules of Professional Conduct (RPC) that would require disclosure of a lawyer's malpractice insurance status to clients and prospective clients if the lawyer's insurance does not meet minimum levels. It would also provide guidance on the application of the rule through the addition of six new comments.

**I. OVERVIEW AND HISTORY**

Washington lawyers are not required to have professional liability insurance coverage. They are, however, required to report to the Washington State Bar Association (WSBA), on a yearly basis, whether they have such coverage. Adopted by the Court in 2007, Rule 26 of the Admission and Practice Rules (APR) requires this information to be reported annually, which occurs as part of the WSBA's licensing process. All Washington lawyers are required to certify whether they are engaged in the private practice of law and, if so, whether or not they are covered by, and intend to maintain, professional liability insurance. Recent WSBA reporting data shows that 14% of Washington lawyers in private practice consistently report being uninsured.

In September 2017, the WSBA Board of Governors (BOG) approved formation of the WSBA Mandatory Mal-

**WSR 21-13-059**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[June 4, 2021]

IN THE MATTER OF THE SUGGESTED ) ORDER  
AMENDMENT TO RPC 1.4—COMMU- ) NO. 25700-A-1351  
NICATION )

practice Insurance Task Force to evaluate the characteristics of uninsured lawyers and the consequences for clients when lawyers are uninsured, to examine regulatory systems that require professional liability insurance, and to gather information and comments from WSBA members and others. The Task Force was also charged with determining whether to recommend mandatory malpractice insurance for lawyers in Washington, and, if so, developing a model and a draft rule for consideration by the BOG.

In February 2019, the Task Force issued its final report, recommending mandatory professional liability insurance for lawyers engaged in the private practice of law and proposing an amendment to APR 26 that would establish a "free market" regulatory model.<sup>1</sup> The Task Force cited the regulatory objectives of assuring accessible civil remedies for clients harmed by lawyer mistakes and protection of the public as chief among the reasons for its recommendation.

<sup>1</sup> The full report and related Task Force materials are available at <https://www.wsba.org/insurance-task-force>.

At its May 17, 2019, meeting, after deliberation about the Task Force report and public discussion, the BOG voted against adoption of the "free market" mandatory malpractice model. The BOG reached its decision after consideration of more than 580 comments from members and others that expressed very real and compelling concerns regarding mandating insurance. Members overwhelmingly opposed mandatory malpractice insurance, expressing concerns regarding cost, the likely adverse impact on pro bono services provided by retiring, retired, and semi-retired members, un-insurability for some high-risk practitioners and practices, the inappropriate delegation of licensing prerogatives to the insurance industry, the risk of increasing insurance premiums for all lawyers through the creation of a captive market, and the financial burden such a mandate would impose upon individual lawyers and the viability of their practices, especially solo and small firm lawyers.<sup>2</sup>

<sup>2</sup> The full set of comments received by the Task Force and the BOG is available at <https://www.wsba.org/insurancetask-force>.

In the wake of the vote, however, several governors suggested that the BOG consider some other models evaluated by the Task Force that might serve to protect the public against the risk of errors committed by uninsured lawyers. Consequently, on January 21, 2020, WSBA Past-President Rajeev Majumdar convened the Ad Hoc Committee to Investigate Alternatives to Mandatory Malpractice Insurance to gather information and advise the BOG on potential viable alternatives to mandatory malpractice insurance.<sup>3</sup> This Committee is chaired by WSBA President Kyle Sciuchetti and composed primarily of select members of the WSBA Committee on Professional Ethics and the former WSBA Mandatory Malpractice Insurance Task Force, as well as members of the BOG and a public member.

<sup>3</sup> Just prior to the launch of this Committee, by order dated December 4, 2019, the Supreme Court published for public comment a proposed amendment to APR 26. (The extended deadline for public comment on the proposed amendment is September 30, 2020). The proponent of the proposed amendment is Equal Justice Washington, which is unaffiliated with the WSBA. The proposed amendment is identical to the "free market" model originally proposed by the Task Force. By letter dated January 26, 2020, WSBA expressed its opposition to proposed APR 26, [https://www.courts.wa.gov/court\\_Rules/proposed/2019Dec/APR26/Rajeev%20Majumdar%20-%20APR%2026.pdf](https://www.courts.wa.gov/court_Rules/proposed/2019Dec/APR26/Rajeev%20Majumdar%20-%20APR%2026.pdf).

From March to September 2020, the Committee explored approaches to public protection other than mandating malpractice insurance, including enhanced malpractice insurance disclosure requirements and proactive management based regulation. Ultimately, the Committee focused on a rule requiring disclosure of a lawyer's insurance status to clients when the lawyer is uninsured or underinsured. The WSBA proposes this suggested rule as a less burdensome and more practicable regulatory requirement that will responsibly protect the public without having an unreasonable impact on private practitioners.

## II. SUGGESTED RULE

The proposed rule amendment includes both a new RPC 1.4(c) and proposed new Comments [8]-[13] to RPC 1.4. The language is drawn from enhanced disclosure rules in several other states, including California, Pennsylvania, New Hampshire, New Mexico, and South Dakota, with New Mexico's RPC 16-104(c) having the most influence.

**Substance of the Proposal.** Specifically, the suggested new RPC 1.4(c) would require a lawyer, before or at the time of commencing representation of a client, to provide notice to the client in writing if the lawyer is not covered by professional liability insurance at specified minimum levels. The lawyer would have to promptly obtain written informed consent from that client. In addition, a lawyer whose malpractice insurance policy lapses or is terminated must within 30 days either obtain a new policy or obtain written consent from existing clients.

The proposal was structured to address the major concerns underlying the BOG's decision not to require mandatory insurance. The cost to a lawyer of compliance with the proposed notice requirement, as compared to requiring acquisition of insurance, is insubstantial.

As reflected in proposed new Comment [8], a lawyer without a basic level of professional liability insurance might not pay for damages or losses a client incurs due to the lawyer's mistakes or negligence. Consequently, clients should have sufficient information about whether the lawyer maintains a minimum level of lawyer professional liability insurance so the client can intelligently determine whether they wish to engage, or continue to engage, that lawyer.

The new RPC 1.4(c) would require a lawyer to provide disclosure if the lawyer is without a specified level of lawyer professional liability insurance. The lawyer would have to promptly obtain every client's acknowledgement and informed consent to uninsured or underinsured representation. The proposed amendment includes disclosure and consent language which, if used, would serve as a "safe harbor" for compliance with the rule. A lawyer would have to maintain a record of disclosures and consents for at least six years.

Certain lawyers would be excluded from the insurance disclosure requirements, including judges, arbitrators and mediators, in-house lawyers for a single entity, and employees of governmental agencies.

A proposed comment clarifies that the notice to a client may be delayed in certain emergency situations.

**Minimum levels of professional liability insurance.** The proposal recommends that for the disclosure requirements under RPC 1.4(c), the minimum level of insurance should be at least \$100,000 per occurrence and \$300,000 in the aggregate ("100K/\$300K"), which are the mandatory malpractice insurance levels in Idaho and the lowest levels of insurance offered by ALPS, the WSBA-endorsed professional liability insurance provider. The Mandatory Malpractice Insurance Task Force found (at p. 17 of its report) that nationally 89.1% of malpractice claims are resolved for less than \$100,000 (including claims payments and expenses). According to ALPS, for all Washington claims where payments were made by ALPS, its average loss payment was \$119,856 and average loss expenses were about \$40,454.82. Given these statistics, the proposed minimum level of insurance of \$100K/\$300K is reasonable and sufficient.

**Lawyers covered by the rule.** The proposal would apply to each "lawyer," defined as:

- lawyers with an active status with the WSBA;
- emeritus pro bono status lawyers; and
- lawyers permitted to engage in limited practice under APR 3(g), i.e., visiting lawyers.

The disclosure requirement would not apply to:

- judges, arbitrators, and mediators not otherwise engaged in the practice of law;
- in-house counsel for a single entity;
- government lawyers practicing in that capacity; and
- employee lawyers of nonprofit legal services organizations, or volunteer lawyers, where the nonprofit entity provides malpractice insurance coverage at the minimum levels.

**D. Hearing:**

A hearing is not requested.

**E. Expedited Consideration:**

Expedited consideration is not requested.

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**RPC 1.4  
COMMUNICATION**

**(a)-(b)** [Unchanged.]

**(c)** A lawyer shall communicate to a client or prospective client a lack of minimum levels of lawyer professional liability insurance as required by the provisions of this Rule.

(1) A lawyer not covered by lawyer professional liability insurance in the amounts specified in paragraph (c)(4) shall, before or at the time of commencing representation of a cli-

ent, notify the client in writing of the absence of such insurance coverage and promptly obtain the client's informed consent in writing. A lawyer who knows or reasonably should know that the lawyer's professional liability insurance policy has either lapsed or been terminated during the representation shall within 30 days either (i) obtain a new policy in the required amounts or (ii) provide notice in writing to the client and promptly obtain the client's informed consent in writing. If a lawyer does not obtain a new policy in the required amounts or provide notice to the client and obtain the client's informed consent in writing within 30 days of a lapse or termination, the lawyer shall withdraw from representation of the client

(2)(i) A notice to the client in substantially the following form satisfies the notice requirements of paragraph (c)(1):

Under Rule 1.4(c) of the Washington Rules of Professional Conduct, I must obtain your informed consent to provide legal representation, and ensure that you understand and acknowledge that [I][this Firm] [do not][does not][no longer] maintain[s] [any lawyer professional liability insurance (sometimes called malpractice insurance)] [lawyer professional liability insurance (sometimes called malpractice insurance)] of at least one hundred thousand dollars (\$100,000) per occurrence, and three hundred thousand dollars (\$300,000) for all claims submitted during the policy period (typically 12 months). Because [I][we] do not carry this insurance coverage, it could be more difficult for you to recover an amount sufficient to compensate you for your loss or damages if [I am][we are] negligent.

Lawyer's Signature

(ii) A client consent and acknowledgment in substantially the following form satisfies the informed consent requirements of paragraph (c)(1):

I acknowledge and supply this written consent, required by Rule 1.4(c) of the Washington Rules of Professional Conduct, that [insert attorney or firm's name] [does not][no longer] maintain[s] [any lawyer professional liability insurance (sometimes called malpractice insurance)] [lawyer professional liability insurance (sometimes called malpractice insurance)] with at least maximum coverage of \$100,000 for each claim, and at least \$300,000 for all claims submitted during the policy period (typically 12 months), and I consent to representation by [the lawyer][the firm].

Client's Signature

(3) A lawyer shall maintain a record of notices of disclosure to clients, and the signed consents and acknowledgments received from clients, for at least six (6) years after the representation is terminated.

(4) As used in this paragraph (c), "lawyer" means an active member of the Washington State Bar Association, and any other person authorized by the Washington State Supreme Court to engage in the practice of law, including emeritus pro bono status lawyers and lawyers permitted to engage in the limited practice of law in this state as provided in Admission and Practice Rule (APR) 3(g); however, as used in this paragraph (c), "lawyer" does not include, (i) a judge, arbitrator, or mediator not otherwise engaged in the practice of law; (ii) in-house counsel for a single entity; (iii) an employee of a governmental agency practicing law in that capacity; (iv) an employee of a nonprofit legal service orga-

nization, or a lawyer volunteering with such an organization, where the nonprofit legal service organization provides lawyer professional liability insurance coverage at the minimum levels required by this paragraph to that employee or volunteer pro bono lawyer. "Lawyer professional liability insurance" means a professional liability insurance policy that provides coverage for claims made against the lawyer that arise from an act, error, or omission in the lawyer's performance of legal services to a client, with limits of liability of at least one hundred thousand dollars (\$100,000) per occurrence, and three hundred thousand dollars (\$300,000) for all claims submitted during the policy period.

Comment

[1]-[7] [Unchanged.]

**Additional Washington Comments (8-13)**

*Insurance Disclosure*

[8] A lawyer without a basic level of professional liability insurance might not pay for damages or losses a client incurs that result from the lawyer's mistakes or negligence. Consequently, prospective clients and clients should have sufficient information about whether the lawyer maintains a minimum level of lawyer professional liability insurance so they can intelligently determine whether they wish to engage, or continue to engage, that lawyer. Paragraph (c) requires a lawyer to provide disclosure if the lawyer is without a level of lawyer professional liability insurance specified in paragraph (c), and to obtain each client's acknowledgement and informed consent. Client consent should be obtained promptly—ordinarily within 10 days of the lawyer's providing disclosure. Certain lawyers are excluded from the disclosure requirements of Rule 1.4(c), including full-time judges, arbitrators and mediators, in-house lawyers for a single entity, and employees of governmental agencies. If a lawyer serving as a judge represents clients outside judicial duties, or an in-house lawyer or government employee represents other clients, such a judge or lawyer is subject to the requirements of Rule 1.4(c) regarding those representations.

[9] As used in paragraph (c), a lawyer who "maintains" or "is covered by" lawyer professional liability insurance is an insured lawyer under a lawyer professional liability insurance policy providing coverage regarding claims relating to legal services provided by that lawyer. The minimum limits of lawyer professional liability insurance specified by paragraph (c)(4) include any deductible or self-insured retention that must be paid by the lawyer or the lawyer's law firm for claim expenses and damages. Lawyer professional liability insurance, as defined in paragraph (c)(4), does not include an insurance policy with a deductible or self-insured retention that the lawyer knows or has reason to know cannot be paid by the lawyer or the firm if a loss occurs.

[10] Whether the disclosure and notice obligations of paragraph (c) apply to a Washington-licensed lawyer practicing in another jurisdiction is determined by the choice of law provisions of Rule 8.5(b).

[11] In addition to complying with paragraph (c), every active member of the bar must comply with the reporting requirements of Admission and Practice Rule (APR) 26, under which lawyers in the private practice of law are

required to annually report their insurance coverage to the Washington State Bar Association.

[12] Withdrawal from a representation under paragraph (c)(1) is a circumstance where withdrawal is obligatory under Rule 1.16 (a)(1) because the representation would violate the Rules of Professional Conduct. The withdrawal shall be accomplished in conformity with the requirements of Rule 1.16 (c) and (d).

[13] In an emergency where the health, safety, or a financial interest of a person is threatened with imminent and irreparable harm, a lawyer not covered by lawyer professional liability insurance in the amounts specified in paragraph (c)(4) may take legal action on behalf of such a person even though the person cannot receive or evaluate the notice required by paragraph (c)(1) or there is insufficient time to provide it. A lawyer who represents a person in such an exigent situation shall provide the notice required by paragraph (c)(1) as soon as reasonably practicable.

**WSR 21-13-060**

**RULES OF COURT**

**STATE SUPREME COURT**

[June 4, 2021]

IN THE MATTER OF THE SUGGESTED ) ORDER  
AMENDMENT TO RPC 6.5—NON- ) NO. 25700-A-1352  
PROFIT AND COURT-ANNEXED LIM- )  
ITED LEGAL SERVICE PROGRAMS )

Washington State's Pro Bono Council, having recommended the adoption of the suggested amendment to RPC 6.5—Nonprofit and Court-Annexed Limited Legal Service Programs, and the Court having considered the suggested amendment, and having determined that the suggested amendment will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the suggested amendment as shown below is adopted.

(b) That pursuant to the emergency provisions of GR 9 (j)(1), the suggested amendment will be published in the Washington Reports and will become effective September 1, 2021.

DATED at Olympia, Washington this 4th day of June, 2021.

	Gonzalez, C.J.
Johnson, J.	_____
Madsen, J.	_____ Yu, J.
Owens, J.	_____ Montoya-Lewis, J.
Stephens, J.	_____ Whitener, J.



## GR 9 Cover Sheet

**Suggested Amendment to****RULES OF PROFESSIONAL CONDUCT (RPC)****Rule 6.5—NONPROFIT AND COURT-ANNEXED LIMITED LEGAL SERVICE PROGRAMS**

Submitted by the Pro Bono Council

**A. Name of Proponent:**

Pro Bono Council. As a subcommittee of the Washington State Access to Justice Board, the Pro Bono Council is a convening body that supports and advocates for the sixteen volunteer lawyer programs across the State.

**B. Spokesperson:**

Michael Terasaki  
Pro Bono Council Manager

**C. Purpose:**

To obtain clarifying language and comment to Rule of Professional Conduct (RPC) 6.5 allowing a limited legal service program to provide notice, as described in paragraph (a)(3) of the Rule, at the time an individual applies for service, regardless of whether an actual conflict exists at that time.

RPC 6.5 allows non-profit and court-annexed limited legal services programs to offer short-term legal services to clients whose legal interests may be in conflict by exempting such representation from RPCs 1.7, 1.9(a), and 1.18(c), unless a participating lawyer has personal knowledge of a conflict and the conflict cannot be mitigated by specific screening measures. This exemption maximizes the limited resources of limited legal service programs and participating lawyers (pro bono and staff) to provide free legal help to eligible persons. A limited legal service program must utilize effective screening mechanisms to ensure confidential information is not disseminated to an attorney who is disqualified from assisting a client with competing interests because of a known personal conflict.<sup>1</sup> A limited legal service program must provide each client with notice of the conflict and the screening mechanisms used to avoid the dissemination of confidential information relating to the representation of the competing interests.<sup>2</sup> Finally, a limited legal service program must also be able to demonstrate by convincing evidence that no material information relating to the representation was transmitted to the opposing client's attorney.<sup>3</sup>

<sup>1</sup> RPC 6.5 (a)(3)(i)

<sup>2</sup> RPC 6.5 (a)(3)(ii)

<sup>3</sup> RPC 6.5 (a)(3)(iii)

Neither the rule nor the comments prescribe how the notice is to be provided, but as currently written, in a known conflict situation, providing individualized notice of an actual conflict creates the potential for inconsistency with the duty of confidentiality codified in RPC 1.6 because the identity of clients involved in the conflict can logically be traced by receipt of that notice alone. This is particularly concerning in many of the cases handled by limited legal service programs in Washington State, because providing individualized notice of a conflict creates safety issues for actual and potential clients who may be seeking protection orders.

Client safety issues in limited legal services programs often arise in cases involving domestic violence. Protection from domestic violence is an area of significant legal need across the country and in Washington. This is borne out by the Washington State Supreme Court-sponsored Civil Legal

Needs Study Update of 2015 (Study). The Study found that 71 percent of low-income households in Washington face at least one civil legal problem during a 12-month period.<sup>4</sup> Further, 76 percent of persons living in poverty who have significant legal needs in Washington cannot get the legal help or representation they need to resolve the problem.<sup>5</sup> More importantly for purposes of this suggested amendment, the Study confirmed that victims of domestic violence and/or sexual assault experience the highest number of legal problems per capita of any group: low-income Washingtonians who have suffered domestic violence or been a victim of sexual assault experience an average of 19.7 legal problems per household, twice the average experienced by the general low-income population.<sup>6</sup>

<sup>4</sup> 2015 Washington State Civil Legal Needs Study Update, p. 5, at [https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeeds\\_Study\\_October2015\\_V21\\_Final10\\_14\\_15.pdf](https://ocla.wa.gov/wp-content/uploads/2015/10/CivilLegalNeeds_Study_October2015_V21_Final10_14_15.pdf).

<sup>5</sup> *Id.* at p. 15.

<sup>6</sup> *Id.* at p. 13.

Several limited legal service programs, including volunteer lawyer programs, offer legal advice clinics for survivors of domestic violence (DV). If a DV survivor seeks legal aid services while their abuser is a current or former client of that program, under RPC 1.7 or 1.9 there could be a conflict of interest. As described above, RPC 6.5 allows a limited legal service program to provide short-term limited assistance to the conflicted client, who may be the victim/survivor, through the mechanism of screening any personally conflicted attorney(s) from the case and notifying both parties. The current process raises the immediate concern that providing individualized notice of the actual conflict to each party creates an imminent risk of harm to the victim by alerting an alleged DV perpetrator that their victim is seeking legal advice. Thus, the current notice requirement puts the safety of victims/survivors in greater jeopardy. As a collateral matter, RPC 1.6 counsels the exercise of caution when disclosing client information that is likely to result in imminent harm to a third-party.<sup>7</sup> As a result of the lack of clarity on this issue, some limited legal service programs opt instead to follow a strict policy of not accepting clients where there is a known conflict, which then results in the opposite outcome to the underlying goal of RPC 6.5: to increase access to free limited legal services for low-income Washingtonians.

<sup>7</sup> See RPC 1.6 Comment [6].

The suggested amendment to RPC 6.5 provides important clarity regarding the notice requirement. This guidance will enable any non-profit or court-annexed limited legal service program that satisfies the provisions of RPC 6.5(a) to serve clients who face compounding challenges to seeking legal assistance and who might otherwise be barred from obtaining the help they need due to barriers unwittingly posed by the RPCs. At the same time, limited legal service programs are able to help keep those clients safe during the course of their legal matter without fear of increasing their risk of harm. The suggested amendment will allow limited legal service programs to notify ALL actual and potential clients at the time an individual applies for help of the potential for conflicts and information about the screening mechanisms. This fulfills RPC 6.5's goal to maximize the accessi-

bility of legal aid to as many individuals as possible while still protecting an individual client's interests, safety and confidentiality within the bounds of attorneys' professional duties.

Additionally, providing notice of the potential for conflicts and the screening mechanisms to all applicants for short-term legal services creates an opportunity for applicants to immediately opt out of receiving services if they feel doing so would be in their best interests. Providing notice only after an actual conflict arises, as usually happens under the current rule, allows no opportunity for clients to opt out or raise objections beforehand.

**D. Hearing:**

A hearing is not requested, but if the Court seeks further information or a hearing, the Pro Bono Council is happy to make itself available and requests notice of any relevant hearing calendared. The Pro Bono Council has conducted stakeholder outreach on this issue. Please see the attached supporting materials.

**E. Expedited Consideration:**

Expedited consideration is requested and is proper in order to protect the safety of legal aid clients. The ongoing COVID-19 related crisis and associated legal issues, including evictions, have brought an unprecedented number of new legal aid clients. This increase in volume will necessarily result in an increase in the potential for conflicts, and in order to protect the physical safety of as many legal aid clients as possible, and in light of the significant open comment period already conducted, the Pro Bono Council requests the proposed changes be implemented as soon as possible.

**F. Supporting Materials:**

Statement regarding stakeholder outreach conducted by Pro Bono Council

**RPC 6.5  
NONPROFIT AND COURT-ANNEXED  
LIMITED LEGAL SERVICE PROGRAMS**

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter and without expectation that the lawyer will receive a fee from the client for the services provided:

(1)(2) [Unchanged.]

(3) notwithstanding paragraphs (1) and (2), is not subject to Rules 1.7, 1.9(a), 1.10, or 1.18(c) in providing limited legal services to a client if:

(i) [Unchanged.]

(ii) each client is notified of the conflict and the screening mechanism used to prohibit dissemination of information relating to the representation; such notice, may be given prospectively; and

(iii) [Unchanged.]

(b) [Unchanged.]

(c) Prospective notice shall satisfy the requirements of (a)(3)(ii) only if the assistance provided to both conflicting clients is limited legal service as governed by Rule 6.5.

[Adopted effective October 29, 2002; amended effective September 1, 2006; April 14, 2015.]

**Comment**

[1][5] [Unchanged.]

**Additional Washington Comments (6 - 78)**

[8] Providing prospective notice of a potential conflict in accordance with Paragraphs (a)(3)(ii) and (c) would be particularly appropriate in situations where vulnerable client populations may be involved. For example, where a nonprofit or court-annexed limited legal service program is assisting a survivor of domestic violence and the perpetrator of the domestic violence seeks, or previously received, assistance through the same program. In such cases, notification to the perpetrator when the conflict arises could effectively advise the perpetrator that the survivor is contemplating legal action potentially affecting the perpetrator, thus putting the survivor at risk of retaliation.

[Comments adopted effective September 1, 2006; amended effective April 14, 2015; September 1, 2016.]

**WSR 21-13-061  
RULES OF COURT  
STATE SUPREME COURT  
[June 4, 2021]**

IN THE MATTER OF THE SUGGESTED ) ORDER  
AMENDMENTS TO CR 71—WITH- ) NO. 25700-A-1353  
DRAWAL BY ATTORNEY )

The Superior Court Judges' Association, having recommended the adoption of the suggested amendments to CR 71—Withdrawal by Attorney, and the Court having considered the suggested amendments;

Now, therefore, it is hereby

ORDERED:

That the suggested amendments as shown below are rejected.

DATED at Olympia, Washington this 4th day of June, 2021.

	Gonzalez, C.J.
_____ Johnson, J.	_____ Gordon McCloud, J.
	_____ Yu, J.
_____ Owens, J.	_____ Montoya-Lewis, J.
	_____ Whitener, J.

**CR 71  
WITHDRAWAL BY ATTORNEY**

(a) **Withdrawal by Attorney.** Service on an attorney who has appeared for a party in a civil proceeding shall be valid to the extent permitted by statute and rule 5(b) only until the attorney has withdrawn in the manner provided in sections (b), (c), and (d). Nothing in this rule defines the circumstances under which a withdrawal might be denied by the court.

**(b) Withdrawal by Order.** A court appointed attorney may not withdraw without an order of the court. The client of the withdrawing attorney must be given notice of the motion to withdraw and the date and place the motion will be heard.

**(c) Withdrawal by Notice.** Except as provided in sections (b) and (d), an attorney may withdraw by notice in the manner provided in this section.

**(1) Notice of Intent To Withdraw Filed More Than 90 Days Before Trial Date.** The attorney shall file and serve a Notice of Intent ~~to~~ Withdraw on all other parties in the proceeding. The notice shall specify a date when the attorney intends to withdraw, which date shall be at least 10 days after the service of the Notice of Intent ~~to~~ Withdraw on all other parties (including an additional three (3) days if notice is served by mail). The notice shall include a statement that the withdrawal shall be effective without order of court unless an objection to the withdrawal is served upon the withdrawing attorney ~~before~~ ~~prior to~~ the effective date set forth in the notice. ~~If notice is given before trial, the~~ notice shall include the date set for trial and, if available, attach a current case schedule. The notice shall include the names and last known addresses of the persons represented by the withdrawing attorney, unless disclosure of the address would violate the Rules of Professional Conduct, in which case the address may be omitted. If the address is omitted, the notice must contain a statement that after the attorney withdraws, and so long as the address of the withdrawing attorney's client remains undisclosed and no new attorney is substituted, the client may be served by leaving papers with the clerk of the court pursuant to rule 5 (b)(1).

**(2) Notice of Intent to Withdraw Filed 90 Days or Less Before Trial Date.** If an attorney's notice of withdrawal is filed 90 days or less before the trial date, a copy of the notice shall be provided to the assigned judge, if there is one or, if not, the department Chief Judge or Presiding Judge as applicable, at the time of filing. If the notice does not contain a substitution of counsel as provided in subsection (d), the withdrawing attorney shall confirm in the notice that the client has been:

- (i) provided a copy of the current case schedule,
- (ii) informed in writing about how to obtain his/her client files by the withdrawal's effective date, and
- (iii) if a family law case, notified in writing of how the client can locate local family law rules. In other respects, the notice shall comply with subsection (1) above.

**(23) Service on Client.** ~~Before~~ ~~Prior to~~ service on other parties, the Notice of Intent ~~to~~ Withdraw shall be served on the persons represented by the withdrawing attorney or sent to them by certified mail, postage prepaid, to their last known mailing addresses. Proof of service or mailing shall be filed, except that the address of the withdrawing attorney's client may be omitted under circumstances defined by subsection (c)(1) of this rule.

**(34) Withdrawal Without Objection.** The withdrawal shall be effective, without order of court and without the service and filing of any additional papers, on the date designated in the Notice of Intent ~~to~~ Withdraw, unless a written objection to the withdrawal is served by a party on the withdrawing attorney prior to the date specified as the day of withdrawal in the Notice of Intent ~~to~~ Withdraw, or the court

notifies the parties of further proceedings to address withdrawal.

**(45) Effect of Objection.** If a timely written objection is served, withdrawal may be obtained only by order of the court.

**(d) Withdrawal and Substitution.** Except as provided in section (b), an attorney may withdraw if a new attorney is substituted by filing and serving a Notice of Withdrawal and Substitution. The notice shall include a statement of the date on which the withdrawal and substitution are effective and shall include the name, address, Washington State Bar Association membership number, and signature of the withdrawing attorney and the substituted attorney. If an attorney changes firms or offices, but another attorney in the previous firm or office will become counsel of record, a Notice of Withdrawal and Substitution shall nevertheless be filed.

## WSR 21-13-062

### RULES OF COURT

### STATE SUPREME COURT

[June 4, 2021]

IN THE MATTER OF THE SUGGESTED ) ORDER  
NEW GENERAL RULE [40]—JURY ) NO. 25700-A-1354  
SELECTION BY VIDEO CONFERENCE )

The King County Superior Court Judges, having recommended the suggested new General Rule [40]—Jury Selection by Video Conference, and the Court having approved the suggested new rule for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested new rule as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites with a comment period ending September 30, 2021.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than September 30, 2021. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov). Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 4th day of June, 2021.

For the Court

Gonzalez, C. J.

CHIEF JUSTICE

GR 9 Cover Sheet for new General Rule:  
Jury Selection by Video Conference

Name of Proponent—King County Superior Court. Our committee for drafting this rule: Judges Sean O'Donnell, Josephine Wiggs-Martin, Andrea Robertson, Brian McDonald, Melinda Young, Tanya Thorp, Sam Chung, Sandy Widlan and Jim Rogers

Spokesperson—Judge O'Donnell or Judge Rogers

Purpose—Remote voir dire has become a standard business practice for King County Superior Court during the pandemic. Jurors prefer it. Their time is better used. In the old, in-person system, jurors have experienced long "wait" times, missed work, and expenses for childcare and parking in order to travel to court in person, assemble, and await instructions and directions. This new virtual method promises to improve the process and provide a more accessible, affordable, and efficient means for citizens from all walks of life to perform, their civic duty and add their voices to this crucial process.

We believe that lawyers get better information as questionnaires are always given out. Our anecdotal experience is that jurors are more diverse in all aspects, racial, ethnic, economic. There is less "speechifying" by lawyers and more information gathering.

The proposed rule does not conflict with any known statute, case law or court rules. The proposed rule is intended to be harmonious with existing CrR 3.4(d), which currently allows video proceedings to be ordered in preliminary appearances, bail hearings and arraignments, and allows plea hearings by agreement. As the Court knows, a current emergency order allows for remote voir dire.

Hearing—We do not believe that a public hearing is necessary.

Expedited Consideration—As long as the emergency order remains in effect, expedited consideration is not necessary.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

**Proposed General Rule**

**Jury Selection by Video Conference**

**(a) Scope of rule.** This rule addresses the procedures for conducting jury selection by video conference.

**(b) Jury selection by video conference.** In all cases, jury selection may be conducted by video conference in which all participants can simultaneously see, hear, and speak with each other. The video and audio should be of sufficient quality to ensure participants are easily seen and understood.

**(c) Procedures prior to jury selection.** The court may divide the venire into smaller groups and determine the number of video participants per voir dire session. The court shall confirm with prospective jurors that they can participate in jury selection by video conference. The court shall not excuse potential jurors from jury service who cannot participate in jury selection by video conference due to lack of resources or access and shall arrange for alternative methods, including but not limited to in person voir dire, for such potential jurors.

**(d) Procedures during jury selection.** When conducting jury selection over video, the court shall:

a. Confirm that all potential jurors can see and hear the court and parties;

b. Inform potential jurors that their cameras must remain on and that they must remain in camera view throughout jury selection;

c. Instruct potential jurors that (i) their full care and attention must be on jury selection, (ii) that all other devices should be turned off during jury selection, and (iii) they should be alone in the space in which they are participating in jury selection unless extraordinary circumstances are present which the court finds sufficient to allow the juror's participation;

d. Inform the parties and potential jurors that any visual, video, or audio recording, other than the official record, of the hearing is prohibited absent court permission; and

e. Prohibit jurors from using filters or virtual backgrounds or other programs or applications to alter their appearance in any way or the appearance of the space in which they are physically located while participating in jury selection. A juror may use a virtual background with prior approval of the court. Any approved background must be a plain, blurred, or otherwise non-distracting.

**(e) Public access.** The court shall ensure that all hearings conducted pursuant to this rule are open to the public and that the public shall be able to simultaneously see and hear all participants.

**WSR 21-13-063**

**RULES OF COURT**

**STATE SUPREME COURT**

[June 4, 2021]

IN THE MATTER OF THE SUGGESTED ) ORDER  
AMENDMENT TO CrR 3.4—PRES- ) NO. 25700-A-1355  
ENCE OF THE DEFENDANT )

The Superior Court Judges' Association, having recommended the suggested amendment to CrR 3.4—Presence of the Defendant, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites with a comment period ending September 30, 2021.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than September 30, 2021. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington

98504-0929, or [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov). Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 4th day of June, 2021.

For the Court

Gonzalez, C. J.  
 \_\_\_\_\_  
 CHIEF JUSTICE

**GR 9 COVER SHEET**

**Suggested Amendment to  
 CRIMINAL RULES FOR SUPERIOR COURTS, CrR 3.4  
 PRESENCE OF THE DEFENDANT**

**A. Name of Proponent:**

Superior Court Judge's Association (SCJA) Criminal Law and Rules Committee.

**B. Spokesperson:**

Laura M. Riquelme  
 SCJA Criminal Law and Rules Committee, Chair  
 Skagit County Superior Court Judge  
 205 W Kincaid Street, Ste. 202,  
 Mount Vernon, WA 98273  
 (360) 416-1200

**C. Purpose:**

On February 2, 2021, CrR 3.4 was amended pursuant to Order No. 25700-A-1319 upon the suggestion of the Washington Defender Association. Subsections pertaining to Video Conference Proceedings (subsection (e)) and Video Conference Proceedings under chapter 10.77 RCW (subsection (f)) were unchanged in this most recent amendment to CrR 3.4. The SCJA suggests a robust update to CrR 3.4 (e) and (f).

The COVID-19 pandemic forced our courts to implement better infrastructure for remote proceedings. CrR 3.4 should be updated to utilize this technology while also establishing standards for conducting remote hearings. The SCJA recognizes that fewer required physical appearances for defendants would likely lead to fewer missed court dates and warrants. This reduction should decrease daily court congestion and allow for a more expeditious case resolution while improving access to justice.

The FOURTH REVISED AND EXTENDED ORDER REGARDING COURT OPERATIONS, Order No. 25700-B-646, was used as a foundation to develop the suggested amendments. These suggested amendments are necessary for fair administration of justice in a post-pandemic Washington State.

The suggested amendments address issues such as standards for audio and video quality, the use of electronic signatures, access to interpreters, and visibility of the public during a remote proceeding. The same safeguards suggested in subsection (e) are suggested for Remote Proceedings under chapter 10.77 RCW in subsection (f).

**D. Hearing:**

The proponents do not believe a public hearing is needed.

**E. Expedited Consideration:**

The proponents believe exceptional circumstances justify expedited consideration of the suggested amendment to CrR 3.4 (e) and (f) and request that the Rules Committee proceed to an abbreviated comment period.

*[Suggested changes to CrR 3.4 (e) and (f)]*

**(e) Video Conference Proceedings: Remote Appearances.**

(1) In General. A defendant may appear remotely through video or telephonic conferencing as available in each court and indicated in this rule. A defendant who is out of custody and wishes to appear remotely is responsible for his or her own device and internet access to connect to court.

(2) Authorization. Remote appearances are authorized for all criminal proceedings except for arraignment, all phases of a trial, entry of a guilty plea, and sentencing, for which the defendant must have prior court approval permitting a remote appearance. Preliminary appearances held pursuant to CrR 3.2.1, arraignments held pursuant to this rule and CrR 4.1, bail hearings held pursuant to CrR 3.2, and trial settings held pursuant to CrR 3.3, may be conducted by video conference in which all participants can simultaneously see, hear, and speak with each other. Such proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule or policy. All remote video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Any party may request an in-person hearing, which may in the trial court judge's discretion be granted.

(3) Remote Appearances Required by Video Remote appearances at arraignments, testimonial hearings, trials, sentencing, and whenever the defendant is in-custody shall include video. Local court rules may require all remote appearances take place over video.

(2) Agreement. Other trial court proceedings including the entry of a Statement of Defendant on Plea of Guilty as provided for by CrR 4.2 may be conducted by video conference only by agreement of the parties, either in writing or on the record, and upon the approval of the trial court judge pursuant to local court rule.

(3) (4) Standards for Remote Appearances Video Conference Proceedings.

(a) Video Appearances. The judge, counsel, all parties, and the public must be able to see and hear each other during proceedings, and speak as permitted by the judge. The audio and video should be of sufficient quality to ensure that the audio and video connections are clear and intelligible participants are easily seen and understood. Video conference facilities Platforms, court procedures, or in-custody facilities must provide for allow confidential communications between attorney and client, including a means during the hearing for the attorney and the client to read and review all documents executed therein, and security sufficient to protect the safety of all participants and observers when conducted in a custodial environment. For purposes of videoconference proceedings, the electronic, scanned, or facsimile signatures of the defendant, counsel, interested parties, and the court shall be treated as if they were original signatures. This includes all orders on judgment and sentence, no contact orders, statements of defendant on pleas of guilty, and other documents or

pleadings as the court shall determine are appropriate or necessary. Defense counsel or the court may affix a "/s/" on any documents except a judgment and sentence to indicate the defendant's signature when the defendant indicates their approval during the hearing. In interpreted proceedings, the interpreter must be in a location or over a platform where the defendant and defense attorney can have confidential conversations through the interpreter, the interpreter must be located next to the defendant and t The proceeding must be conducted to assure that the interpreter can hear all participants. When the public appears remotely, members of the public need not enable their video to be visible to other participants absent a finding of good cause and order of the court.

(b) Telephonic Appearances. If participants appear remotely with only an audio connection, the connection should be of sufficient quality to ensure participants are clearly audible. Telephonic appearances shall otherwise have the same requirements as indicated for video appearances.

(f) Remote Video Conference Proceedings under chapter 10.77 RCW. (1) Authorization. Proceedings held pursuant to chapter 10.77 RCW may be conducted by video conference using the same safeguards in CrR 3.4 (e)(4)(a), in which all participants can simultaneously see, hear, and speak with each other except as otherwise directed by the trial court judge. When these proceedings are conducted via by video conference, it is presumed that all participants will be physically present in the courtroom except for the forensic evaluator unless as otherwise provided by these rules, or as excused or excluded by the court for good cause shown. Good cause may include circumstances where at the time of the hearing, the court does not have the technological capability or equipment to conduct the conference by video as provided in this rule. Such video proceedings shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court judge. Five days prior to the hearing date, any party may request the forensic evaluator be physically present in the courtroom, which may in the trial court judge's discretion be granted.

(2) Standards for Video Conference Remote Proceedings under chapter 10.77 RCW. These proceedings shall use the same standards enumerated in CrR 3.4 (e)(4)(a). The judge, counsel, all parties, and the public must be able to see and hear each other during the proceedings, and speak as permitted by the judge. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter must be located next to the defendant and the proceeding must be conducted to assure that the interpreter can hear all participants.

**WSR 21-13-064**  
**RULES OF COURT**  
**STATE SUPREME COURT**

[June 4, 2021]

IN THE MATTER OF THE SUGGESTED ) ORDER  
 AMENDMENT TO CR 39—TRIAL BY ) NO. 25700-A-1356  
 JURY OR BY THE COURT )

The King County Superior Court Judges, having recommended the suggested amendment to CR 39—Trial by Jury or by the Court, and the Court having approved the suggested amendment for publication;

Now, therefore, it is hereby

ORDERED:

(a) That pursuant to the provisions of GR 9(g), the suggested amendment as shown below is to be published for comment in the Washington Reports, Washington Register, Washington State Bar Association and Administrative Office of the Court's websites with a comment period ending September 30, 2021.

(b) The purpose statement as required by GR 9(e), is published solely for the information of the Bench, Bar and other interested parties.

(c) Comments are to be submitted to the Clerk of the Supreme Court by either U.S. Mail or Internet E-Mail by no later than September 30, 2021. Comments may be sent to the following addresses: P.O. Box 40929, Olympia, Washington 98504-0929, or [supreme@courts.wa.gov](mailto:supreme@courts.wa.gov). Comments submitted by e-mail message must be limited to 1500 words.

DATED at Olympia, Washington this 4th day of June, 2021.

For the Court

Gonzalez, C.J.

CHIEF JUSTICE

GR 9 Cover Sheet for amendment to CR 39

Name of Proponent—King County Superior Court. Many judges were involved in the drafting and more were involved in creating and refining our procedures.

Spokesperson—Judge O'Donnell or Judge Rogers

Purpose—Create standard procedures, consistent with due process and existing rules, for remote civil jury trials. King County Superior Court has now successfully held many, many of these trials and we draw on our experience for this. This has been imperative for access to justice and will be helpful as we anticipate the remote jury trial continues.

Hearing—We take no position.

Expedited Consideration—As long as emergency rules remain in place, no expedited consideration is needed.

**Proposed Amendments to CR 39**

**TRIAL BY JURY OR BY THE COURT**

**(-) Issues—How Tried.** [Reserved. See RCW 4.40.010 through 4.40.070.]

**(a) - (c)** [Unchanged.]

**(d) Manner of Trials.**

WSR 21-13-065
RULES OF COURT
STATE SUPREME COURT

[June 4, 2021]

(1) Generally. Except as otherwise authorized by these rules or by statute, all trials upon the merits shall be conducted in open court and so far as convenient in a regular courtroom.

(2) Video Conference Trials.

A. By the Court. On the court's own initiative, or on motion of the parties or their attorneys of record, a trial by the court may occur over video conference, in which all participants can simultaneously see, hear, and speak with each other. The video and audio should be of sufficient quality to ensure participants are easily seen and understood.

i. Before ordering a video-conference trial by the court, the court shall consider the number of parties, the number of trial witnesses, the type of evidence to be presented, whether the parties have significant non-financial interests at stake, whether the use of remote interpreting services will detract from the presentation of evidence, the parties' ability to conduct a video conference trial, and any other relevant circumstances.

B. By Jury. On the court's own initiative, or on motion of the parties or their attorneys of record, a trial by jury may occur by video conference. Any jury trial occurring by video conference must allow all participants to simultaneously see, hear, and speak with each other. The video and audio should be of sufficient quality to ensure participants are easily seen and understood. Jury trials may only be conducted by video conference:

i. When there is written agreement of the parties. The agreement shall be filed with the court before the start of trial; or

ii. Over objection of a party or parties for good cause in compelling circumstances. In conducting trial by jury over video conference, the court shall ensure appropriate safeguards are in place; and:

1. Shall consider the nature of the case, including the number of parties, number of trial witnesses, the type of evidence to be presented, whether the parties have significant non-financial interests at stake, whether the use of remote interpreting services will detract from the presentation of evidence, the parties' ability to conduct a video conference trial, and any other relevant circumstances; and

2. Shall enter written findings outlining its reasons for conducting trial by video conference. The court shall analyze the length of time trial has been pending, the potential impact of not conducting the trial by video conference, such as the availability of witnesses and preservation of evidence, and any other considerations in support of its decision.

(3) Notice. Whether on its own initiative or by motion of the parties or their attorneys of record, no video conference trial shall be heard unless the court holds a hearing no fewer than 30 days before the trial date. At the hearing, the court shall announce its decision on a trial by video conference and address appropriate safeguards. The parties or their attorneys of record may agree to this hearing occurring within 30 days of trial.

IN THE MATTER OF THE PROPOSED ) ORDER
AMENDMENT TO APR 26—INSUR- ) NO. 25700-A-1357
ANCE DISCLOSURE )

Equal Justice Washington, having recommended the adoption of the proposed amendment to APR 26—Insurance Disclosure, and the Court having considered the suggested amendment;

Now, therefore, it is hereby

ORDERED:

That the suggested amendment as shown below is rejected.

DATED at Olympia, Washington this 10th day of June, 2021.

Johnson, J.
Madsen, J.
Owens, J.
Stephens, J.
Gonzalez, C.J.
Yu, J.
Montoya-Lewis, J.

SUGGESTED AMENDMENT
ADMISSION AND PRACTICE RULES (APR)
APR 26 - INSURANCE DISCLOSURE

APR 26
INSURANCE DISCLOSURE

(a) Unless exempted under section (b) of this rule, Each active lawyer member of the Bar who is to any extent engaged in the private practice of law shall must certify annually in a form and manner approved by the Bar by the date specified by the Bar (1) whether that the lawyer is covered by engaged in the private practice of law; (2) if engaged in the private practice of law, whether the lawyer is currently covered by professional liability insurance at a minimum limit of \$250,000 per occurrence/\$500,000 annual aggregate; and (3) whether the lawyer intends to maintain insurance during the period of time the lawyer is on active status in the current licensing period engaged in the practice of law; and (4) whether the lawyer is engaged in the practice of law as a full-time government lawyer or is counsel employed by an organizational client and does not represent clients outside that capacity.

(b) A lawyer is exempt from the coverage requirement of section (a) of this rule if the lawyer certifies to the Bar in a form and manner approved by the Bar that the lawyer is not engaged in the practice of law or the lawyer's practice consists exclusively of any one or more of the following categories and that the lawyer does not represent any clients outside of that service or employment:

- (1) Employment as a government lawyer or judge;
(2) Employment by a corporation or business entity, including nonprofits;

(3) Employee or independent contractor for a nonprofit legal aid or public defense office that provides insurance to its employees or independent contractors;

(4) Mediation or arbitration; and

(5) Volunteer pro bono service for a qualified legal services provider as defined in APR 1 (e)(8) that provides insurance to its volunteers.

(c) Each active lawyer who certifies coverage under section (a) of this rule must, reports being covered by professional liability insurance shall certify in a form and manner prescribed by the Bar, notify the Bar in writing within 30 10 days if the insurance policy providing coverage lapses, is no longer in effect, or terminates for any reason.

(b)(d) The information submitted pursuant to this rule as to the existence of coverage will be made available to the public by such means as may be designated by the Bar, which may include publication on the website maintained by the Bar.

(e)(e) Any active If a lawyer of law who is required to certify coverage under section (a) of this rule who fails to comply with this rule by the date specified by the Bar or fails to maintain the coverage required throughout the licensing period, the lawyer may be ordered suspended from the practice of law by the Supreme Court until such time as the lawyer complies; and the Court orders the lawyer's reinstatement to active status.

(f) A lawyer who has certified the existence of professional liability insurance coverage under section (a) of this rule must provide proof to the Bar, upon request, of the existence of the certified coverage, including a copy of any applicable insurance policy and other relevant information. A lawyer who has not complied with a request under this section for more than 30 days may be ordered suspended from the practice of law by the Supreme Court until such time as the lawyer complies with the request and the Court orders the lawyer's reinstatement to active status.

(g) Supplying false information in a certification under section (a) or (e) of this rule or in response to a request for information under section (f) of this rule, or failure to provide timely notice under section (c) of this rule, may shall subject the lawyer to appropriate disciplinary action.

**WSR 21-13-068**  
**NOTICE OF PUBLIC MEETINGS**  
**OFFICE OF**  
**CIVIL LEGAL AID**

[Filed June 13, 2021, 2:58 p.m.]

This is to advise that civil legal aid oversight committee established by RCW 2.53.010 will hold its quarterly meeting via Zoom call.

What: Quarterly Meeting of the Civil Legal Aid Oversight Committee  
 When: June 25, 2021  
 Time: 11:00 a.m. - 1:00 p.m.  
 Where: Virtual via Zoom link (below)

Join Zoom meeting <https://zoom.us/j/98855490865?pwd=eTNnaWswZGtGMj9HV3gxUkxKbmQ5UT09>. Meeting ID 988 5549 0865 -- Passcode 610576. +125321 58782,,98855490865#,,, \*610576# US (Tacoma) Meeting ID 988 5549 0865.

Open Meeting and Accommodations: The meeting is open to the public. The civil legal aid oversight committee fully complies with applicable laws ensuring access for persons with disabilities. Upon request, the civil legal aid oversight committee will make reasonable accommodation to ensure full accessibility and meaningful opportunity for interested individuals to participate in the meeting, regardless of physical, auditory, mental, cognitive, or other disabilities. Requests for an interpreter or assistive technology should be submitted at least forty-eight hours prior to the meeting in order to allow the oversight committee to accommodate.

For further information about this meetings and/or to request reasonable accommodation, please contact James Bamberger, Director, Office of Civil Legal Aid, 360-280-1477, [jim.bamberger@ocla.wa.gov](mailto:jim.bamberger@ocla.wa.gov).

**WSR 21-13-071**  
**POLICY STATEMENT**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Filed June 14, 2021, 1:59 p.m.]

Under RCW 34.05.230, enclosed are statements regarding one new policy, two amended policies, one repealed policy, and one new interim policy issued by the department of labor and industries (L&I) insurance services division.

If you have any questions or need additional information, please contact Tracy West, Rules Coordinator, at 360-902-6954.

Title: Policy 6.35 - *Crediting Training Funds Following School or Vocational Program Closure.*

Date Repealed: May 25, 2021.

Description: The policy is outdated and was repealed. Legislation in 2007 addressed interruptions outside the worker's control, ending the need for an interpretive policy.

Contact: Laurinda Grytness, 7273 Linderson Way, Tumwater, WA 98501, Mailstop 4329, 360-902-6362, [Laurinda.Grytness@Lni.wa.gov](mailto:Laurinda.Grytness@Lni.wa.gov).

Title: Interim Policy 6.49 - *Retraining Plans and the COVID-19 Pandemic.*

Date Issued: May 25, 2021.

Description: The interim policy addresses retraining plans impacted by the COVID-19 pandemic. Due to the pandemic, many retraining programs have changed their existing curriculum to online-only or ended the program until they are able to reopen. Some retraining programs have not determined whether they will be able to offer in-person training. The new interim policy allows for flexibility in addressing retraining plans so workers' retraining time and funds aren't depleted without workers engaging in meaningful retraining.



Contact: Laurinda Grytness, 7273 Linderson Way, Tumwater, WA 98501, Mailstop 4329, 360-902-6362, Laurinda.Grytness@Lni.wa.gov.

Title: Policy 13.12 - *Injured Workers' Complaints about Independent Medical Examinations.*

Date Issued: April 1, 2021.

Description: The amended policy applies to written complaints received from workers about the quality of independent medical examinations. The policy was updated to change the title of the unit that receives the complaints from provider credentialing and compliance to provider quality and compliance. Links were also added.

Contact: Suzy Campbell, 7273 Linderson Way, Tumwater, WA 98501, Mailstop 4270, 360-902-5003, Suzanne.Campbell@Lni.wa.gov.

Title: Policy 14.25 - *Permanent Partial Disability Award for Fingers.*

Date Issued: June 1, 2021.

Description: This policy was created in order to provide guidance on calculating permanent partial disability of the fingers resulting from the industrial injury or occupational disease.

Contact: Jordan Ely, 7273 Linderson Way, Tumwater, WA 98501, Mailstop 4270, 360-902-4616, Jordan.Ely@Lni.wa.gov.

Title: Policy 15.70 - *Payment or Reimbursement for Burial Expenses.*

Date Issued: June 1, 2021.

Description: The policy was updated due to legislative changes that now include additional options beyond burial and cremation, and to closer align with crime victims' procedure. Additional changes were made for readability and clarification.

Contact: Suzy Campbell, 7273 Linderson Way, Tumwater, WA 98501, Mailstop 4270, 360-902-5003, Suzanne.Campbell@Lni.wa.gov.

**WSR 21-13-074**

**AGENDA**

**BOARD OF**

**PILOTAGE COMMISSIONERS**

[Filed June 15, 2021, 8:51 a.m.]

**Semi-Annual Rule-Making Agenda  
July through December 2021**

Below is the board of pilotage commissioner's semi-annual rule-making agenda for publication in the Washington State Register pursuant to RCW 34.05.314.

There may be additional rule-making activity not on this agenda. Refer to our website for periodic updates.

Please direct any questions about this agenda to Jaimie Bever, Executive Director/Rules Coordinator, 2901 Third Avenue, Suite 500, Seattle, WA 98121, 206-515-3904, email BeverJ@wsdot.wa.gov.

WAC Citation	Subject Matter	Current Activity		
		Preproposal (CR-101)	Proposed (CR-102)	Permanent (CR-103P)
363-116-415	Emergency Pilotage in the Grays Harbor Pilotage District	June 24, 2019 WSR 19-14-022		
363-116-078	Training program	Intent to file		

**WSR 21-13-081**

**NOTICE OF PUBLIC MEETINGS  
OLYMPIC REGION  
CLEAN AIR AGENCY**

[Filed June 16, 2021, 8:35 a.m.]

The Olympic Region Clean Air Agency's board of directors has changed the following regular meeting:

From: August 11 and December 8, 2021

To: Cancelled

If you need further information contact Debbie Moody, 2940 Limited Lane N.W., Olympia, 360-539-7610 ext. 114, fax 360-491-6308, debbie.moody@orca.org, www.orca.org.

**WSR 21-13-085**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF ECOLOGY**

[Filed June 16, 2021, 12:58 p.m.]

The department of ecology's office of Chehalis Basin, Chehalis Basin board has changed the following regular meeting:

From:

Date(s):	Location (hybrid):
August 5, 2021 October 7, 2021 December 2, 2021	Aberdeen Log Pavilion 1401 Sargent Boulevard Aberdeen, WA 98520 Zoom online meeting <a href="https://rossstrategic.zoom.us/j/95779427739">https://rossstrategic.zoom.us/j/95779427739</a> Call-in option 1-888-788-0099 Meeting ID 957 7942 7739
September 2, 2021 November 4, 2021	Veterans Memorial Museum 100 S.W. Veterans Way Chehalis, WA 98532 Zoom online meeting <a href="https://rossstrategic.zoom.us/j/95779427739">https://rossstrategic.zoom.us/j/95779427739</a> Call-in option 1-888-788-0099 Meeting ID 957 7942 7739

To:

Dats(s):	Location (hybrid):
August 5, 2021 October 7, 2021 December 2, 2021	Aberdeen Log Pavilion 1401 Sargent Boulevard Aberdeen, WA 98520 Zoom online meeting <a href="https://www.zoomgov.com/j/1612423016">https://www.zoomgov.com/j/1612423016</a> Call-in option 551-285-1373 or 646-828-7666 Meeting ID 161 242 3016
September 2, 2021 November 4, 2021	Veterans Memorial Museum 100 S.W. Veterans Way Chehalis, WA 98532 Zoom online meeting <a href="https://www.zoomgov.com/j/1612423016">https://www.zoomgov.com/j/1612423016</a> Call-in option 551-285-1373 or 646-828-7666 Meeting ID 161 242 3016

If you need further information contact Cindy Bradley, 300 Desmond Road S.E., Lacey, WA 98503, 360-791-3488, 360-407-6574, [cindy.bradley@ecy.wa.gov](mailto:cindy.bradley@ecy.wa.gov), [ecology.wa.gov](http://ecology.wa.gov).

**WSR 21-13-086**  
**NOTICE OF PUBLIC MEETINGS**  
**BELLINGHAM TECHNICAL COLLEGE**  
 [Filed June 17, 2021, 10:43 a.m.]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College scheduled for Thursday, September 16, 2021, has been cancelled. Call 752-8334 for information.

**WSR 21-13-088**  
**HEALTH CARE AUTHORITY**  
 [Filed June 17, 2021, 2:20 p.m.]

**NOTICE**

Title or Subject: Request for Public Comments - Washington Medicaid and CHIP Quality Rating System (QRS).  
 Effective Date: January 1, 2022.  
 Description: The *Washington Apple Health Plan Report Card* (also known as the enrollee quality report or "Star

report card") is produced annually by Washington state health care authority's contracted external quality review organization (EQRO). The report card provides information to eligible apple health clients regarding managed care organization quality in serving medicaid and children's health insurance program (CHIP) clients. The report card is posted annually to the Washington Healthplanfinder website to support selection of an apple health health plan during enrollment.

Washington state health care authority (HCA) plans to submit the report card to the Centers for Medicaid and Medicare Services for approval as an alternative medicaid and CHIP QRS to comply with federal managed care regulations and are seeking public comment regarding [it].

The purpose of the QRS includes:

Assess, improve, and communicate the level of quality of health plans.

Empower medicaid clients by providing information about the quality of available health plans.

Drive improvement in health performance and quality of care.

Help clients make an informed choice when selecting a plan that could improve their health and well-being.

**The public comment period for the Washington medicaid and CHIP QRS document is from July 7 through August 8, 2021 at 5 p.m. (Pacific). You can email comments to [carey.wallace@hca.wa.gov](mailto:carey.wallace@hca.wa.gov).**

**The QRS document can be found at the following link <https://www.hca.wa.gov/assets/free-or-low-cost/medicaid-chip-quality-rating-system.pdf>.**

For additional information, contact Carey Wallace RN, MSN, MBA Nurse Consultant - EQRO, Medicaid Compliance Review Unit, HCA, email [carey.wallace@hca.wa.gov](mailto:carey.wallace@hca.wa.gov).

**WSR 21-13-089**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMUNITY ECONOMIC**  
**REVITALIZATION BOARD**  
 [Filed June 17, 2021, 3:03 p.m.]

Revised July 2021 Meeting Dates

The community economic revitalization board (CERB) has revised its July meeting to be a two day, in-person meeting. The September 16 and November 18 meetings will also be held in-person at the Lacey Conference Center.

<b>2021 Meetings</b>	<b>Location</b>
<del>January 21, 2021</del>	<del>Online via Zoom</del>
<del>March 18, 2021</del>	<del>Online via Zoom</del>
<del>May 20, 2021</del>	<del>Online via Zoom</del>
<b>July 14 and 15, 2021</b>	<b>Lacey Conference Center</b>
September 16, 2021	Lacey Conference Center
November 18, 2021	Lacey Conference Center

The meetings begin at 9:00 a.m.

The link to our agenda packet will be posted on our website one week prior to each meeting [www.commerce.wa.gov/cerb](http://www.commerce.wa.gov/cerb).

Please contact the CERB main line at 360-725-3169 for additional information, or find us on the web at [www.commerce.wa.gov/cerb](http://www.commerce.wa.gov/cerb).

**WSR 21-13-093  
POLICY STATEMENT  
LIQUOR AND CANNABIS  
BOARD**

[Filed June 18, 2021, 10:35 a.m.]

**NOTICE OF ADOPTION OF POLICY STATEMENT**

Title of Policy Statement: Giveaways as Licensed Cannabis Retail Stores - Policy Statement Number PS21-02.

Issuing Entity: Washington state liquor and cannabis board.

Subject Matter: This policy statement offers the Washington state liquor and cannabis board's position on allowing cannabis (marijuana) retailer giveaways to customers of an incidental nature.

Effective Date: June 18, 2021.

Contact Person: Katherine Hoffman, policy and rules manager, 360-664-1622.

**WSR 21-13-110  
NOTICE OF PUBLIC MEETINGS  
BELLEVUE COLLEGE**

[Filed June 21, 2021, 10:00 a.m.]

The following is the schedule of regular meetings for the board of trustees of Community College District VIII for Bellevue College. The meetings will be held in the Board Room (B201) at Bellevue College, 3000 Landerholm Circle S.E., Bellevue, WA on the following dates unless otherwise noted:

Date	Time	Location
Wednesday September 29, 2021	2:00 p.m.	Bellevue College
Wednesday October 20, 2021	2:00 p.m.	Bellevue College
Wednesday November 10, 2021	2:00 p.m.	Bellevue College
Wednesday December 8, 2021	2:00 p.m.	Bellevue College
Wednesday January 19, 2022	2:00 p.m.	Bellevue College
Wednesday February 16, 2022	2:00 p.m.	Bellevue College
Wednesday March 16, 2022	2:00 p.m.	Bellevue College

Date	Time	Location
Wednesday April 20, 2022	9:30 a.m.	Bellevue College
Wednesday May 18, 2022	2:00 p.m.	Bellevue College
Wednesday June 15, 2022	2:00 p.m.	Bellevue College

If you need any further information, please contact Alicia Keating Polson, 3000 Landerholm Circle S.E., Bellevue, WA 98007, 425-564-2302, [Alicia.keatingpolson@bellevuecollege.edu](mailto:Alicia.keatingpolson@bellevuecollege.edu).

**WSR 21-13-112  
AGENDA  
DEPARTMENT OF  
FINANCIAL INSTITUTIONS**

[Filed June 21, 2021, 11:04 a.m.]

**Semi-Annual Agenda for Rules Under Development  
July 1 - December 31, 2021**

**DIVISION OF CONSUMER SERVICES**

- Consumer Loan Act. Continue rule making to finalize and adopt rules under chapter 208-620 WAC to amend the current rules to allow mortgage loan originators (MLOs), under certain conditions, to work from home locations without requiring the sponsoring company of the MLOs to license the home location as a branch of the company. This rule making will implement SB 5077, chapter 15, Laws of 2021.
- Mortgage Broker Practices Act. Continue rule making to finalize and adopt rules under chapter 208-660 WAC to amend the current rules to allow MLOs, under certain conditions, to work from home locations without requiring the sponsoring company of the MLOs to license the home location as a branch of the company. This rule making will implement SB 5077, chapter 15, Laws of 2021.

**DIVISION OF SECURITIES**

- Amendments to SCOR rules in chapter 460-17A WAC. The small company offering registration (SCOR) rules set forth in chapter 460-17A WAC are based on a statement of policy adopted by the North American Securities Administrators Association (NASAA). NASAA amended this statement of policy on May 19, 2019. The securities division plans to amend its related rules in chapter 460-17A WAC to align with the updated NASAA statement of policy.
- Repeal of the mortgage paper securities registration rules in chapter 460-33A WAC. The rules set forth in chapter 460-33A WAC provide an optional method of registration for offerings of mortgage paper securities. An offering has not been registered under these rules since 2013. Changes in federal laws since that time eliminate the utility of these rules. Accordingly, the securities division plans to repeal these rules.

**WSR 21-13-113**  
**INTERPRETIVE OR POLICY STATEMENT**  
**DEPARTMENT OF HEALTH**  
 [Filed June 21, 2021, 11:10 a.m.]

**NOTICE OF ADOPTION OF AN INTERPRETIVE STATEMENT**

Title of Interpretive Statement: Continuing Education Pharmacology Documentation Interpretive Statement Number BON 21-01.

Issuing Entity: Board of naturopathy.

Subject Matter: Clarifying how naturopathic physicians are able to meet the continuing education pharmacology documentation requirements.

Effective Date: May 14, 2021.

Contact Person: Susan Gragg, Program Manager, P.O. Box 47852, Olympia, WA 98504-7852, 360-236-4941, naturopathy@doh.wa.gov.

Date	Time	Location
February 4, 2021	9:00 a.m. - 12:00 p.m.	Virtual via Microsoft Teams
June 3, 2021	9:00 a.m. - 12:00 p.m.	Virtual via Microsoft Teams
August 5, 2021	9:00 - 11:00 a.m.	Virtual via Microsoft Teams
October 7, 2021	9:00 - 11:00 a.m.	Virtual via Microsoft Teams
December 2, 2021	9:00 - 11:00 a.m.	Virtual via Microsoft Teams

Please refer to the <http://mil.wa.gov/emergency-management-division/emergency-management-council> website. Calendar information, agendas, and Microsoft Teams meeting information are posted on this page.

These meetings are subject to change based on operational or other considerations.

If you require accommodation for these meetings, please contact Kristin Ritter at 253-512-7484 or [kristin.ritter@mil.wa.gov](mailto:kristin.ritter@mil.wa.gov).

**WSR 21-13-120**  
**NOTICE OF PUBLIC MEETINGS**  
**MILITARY DEPARTMENT**  
 [Filed June 21, 2021, 1:33 p.m.]

**Revised June 21, 2021**

**2021 Emergency Management Council Meetings**

The following is the schedule of regular meetings for the Washington state military department emergency management council (EMC) for 2021.

**WSR 21-13-149**  
**AGENDA**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed June 22, 2021, 1:58 p.m.]

Following is the semi-annual rules development agenda for the Washington alfalfa seed commission, the Puget Sound salmon commission, and the Washington pulse crops commission for the period of July 1 through December 31, 2021. This document is being sent to you in compliance with RCW 34.05.314.

If you have questions regarding the commissions' rule-making agenda, please contact Teresa Norman at 360-902-2043 or [tnorman@agr.wa.gov](mailto:tnorman@agr.wa.gov).

**SEMI-ANNUAL RULES DEVELOPMENT AGENDA**  
**July 1 - December 31, 2021**

WAC Chapter	Rule Title or Subject	Agency Contact	Tentative Timeline			
			CR-101	CR-102 CR-105	CR-103	Subject of Rule Making
16-54	Animal importation	Jodi Jones Animal Services Division Phone 360-902-1889 <a href="mailto:jjones@agr.wa.gov">jjones@agr.wa.gov</a>	February 2019 March 2021	TBD	TBD	Clarifies that dogs imported into Washington state must have a negative heartworm test prior to entry and allows horses to enter the state on an electronic equine certificate of veterinary inspection.
16-70	Animal diseases—Reporting	Jodi Jones Animal Services Division Phone 360-902-1889 <a href="mailto:jjones@agr.wa.gov">jjones@agr.wa.gov</a>	February 2019 March 2021	TBD	TBD	Updates the diseases that need to be reported to the state veterinarian's office and the timeframes associated with reporting.

WAC Chapter	Rule Title or Subject	Agency Contact	Tentative Timeline			
			CR-101	CR-102 CR-105	CR-103	Subject of Rule Making
16-80	Swine diseases in Washington state	Jodi Jones Animal Services Division Phone 360-902-1889 jjones@agr.wa.gov	February 2019 March 2021	TBD	TBD	Removes reference to the department's laboratory for blood samples from Washington swine; updates United States Department of Agriculture (USDA) C.F.R. citations.
16-89	Sheep and goat diseases in Washington state	Jodi Jones Animal Services Division Phone 360-902-1889 jjones@agr.wa.gov	February 2019 March 2021	TBD	TBD	Removes Q fever testing requirements; updates USDA C.F.R. citations.
16-160	Registration of materials for organic food production	Brenda Book Organic Program Phone 360-902-2090 bbook@agr.wa.gov	October 2019	July 2021	TBD	Increases the registration fees and restructures the fee schedule. Updates the registered material logo.
16-228	General pesticide rules	Christina Zimmerman Pesticide Licensing Phone 360-902-2150 czimmerman@agr.wa.gov	November 2018 July 2020	September 2021	TBD	Amends provisions regarding pesticide exams in order to have the option to contract out for third party administration of testing.
16-228	General pesticide rules	Tim Schultz Pesticide Compliance Phone 509-994-0936 tschultz@gr.wa.gov [tshultz@agr.wa.gov] [agr.wa.gov]	January 2020 May 2021	TBD	TBD	Modifies the penalty calculation for pesticide violations.
16-232	Use restricted herbicides in certain counties	Tim Schultz Pesticide Compliance Phone 509-994-0936 tschultz@gr.wa.gov [tshultz@agr.wa.gov] [agr.wa.gov]	May 2021	TBD	TBD	Updates legal descriptions and area boundaries in Eastern Washington counties regarding phenoxy hormone-type herbicide requirements.
16-240	WSDA grain inspection program—Definitions, standards and fees	Philip Garcia Grain Inspection Program Phone 360-902-1921 pgarcia@agr.wa.gov	January 2020 March 2021	TBD	TBD	Amends the grain inspection fee schedule, updates federal agency references and clarifies language.
16-302	General rules for seed certification	Paula Moore Seed Inspection Program Phone 509-249-6950 pmoore@agr.wa.gov	January 2020 May 2021	August 2021	September 2021	Amends the rule in regards to plants with the AXigen trait, allowances for ascochyta blight in chickpea fields, tolerances for triticale in wheat seed, and amending seed standards regarding CoAXium varieties. <i>Rule making initiated as a result of a petition.</i>
16-303	Seed assessment, fees for seed services and seed certification	Paula Moore Seed Inspection Program Phone 509-249-6950 pmoore@agr.wa.gov	April 2021	August 2021	September 2021	Amends the fee schedule in order to recover the costs of providing service.
16-325	Seed potato isolation district	Cindy Cooper Plant Services Program Phone 360-902-2062 ccooper@agr.wa.gov	July 2021	TBD	TBD	Adds requirements for all lots entering the isolation district to be test free of bacterial ring rot. Provides forty-eight hour notification to the department of all shipments entering the isolation district. Adds a new violation section regarding the disposition of material shipped into the isolation district violation. <i>Rule making initiated as a result of a petition.</i>

WAC Chapter	Rule Title or Subject	Agency Contact	Tentative Timeline			
			CR-101	CR-102 CR-105	CR-103	Subject of Rule Making
16-482	Seed potato quarantine	Cindy Cooper Plant Services Program Phone 360-902-2062 ccooper@agr.wa.gov	July 2021	TBD	TBD	Adds a section stating that potatoes entering the seed potato isolation district are subject to additional requirements under chapter 16-325 WAC. <i>Rule making initiated as a result of a petition.</i>
16-501	WSDA procedural rules—Commodity boards or commissions	Teresa Norman Admin. Regulations Phone 360-902-2043 tnorman@agr.wa.gov	Not applicable	December 2021	TBD	Provides a method to defray expenses incurred by the department when establishing, amending or terminating a marketing order or agreement and other activities conducted on behalf of a commodity board or commission. <i>Expedited rule making.</i>
16-662	Weights and measures—National handbook, sale of motor fuel, and penalties for violations	Brad White, Assistant Director Plant Protection Division Phone 360-902-1907 bwhite@agr.wa.gov	August 2021	TBD	TBD	Establishes requirements for electric vehicle supply equipment and electric vehicle service providers as outlined in SB 5192.

**Semi-Annual Rules Agenda for Commodity Commissions  
July 1 - December 31, 2021  
P.O. Box 42560  
Olympia, WA 98504-2560**

Alfalfa Seed Commission	Rule Title	Agency Contact	CR-105	CR-103	Subject of Rule Making
16-529	Washington alfalfa seed commission	Teresa Norman	July 2021	September 2021	Removing term limits from board member terms.
Puget Sound Salmon Commission	Rule Title	Agency Contact	CR-105	CR-103	Subject of Rule Making
16-585	Puget Sound salmon commission	Teresa Norman	June 2021	September 2021	Adding a non-voting industry member and amending public disclosure contact information.
Pulse Crops Commission	Rule Title	Agency Contact	CR-105	CR-103	Subject of Rule Making
16-536	Washington pulse crops commission	Teresa Norman	July 2021	September 2021	Removing term limits and making technical corrections.

Teresa Norman  
Rules Coordinator

**WSR 21-13-162  
AGENDA  
WASHINGTON STATE UNIVERSITY**  
[Filed June 23, 2021, 8:08 a.m.]

**Semi-Annual Agenda for Rules Under Development  
July 2021**

Pursuant to RCW 34.05.314, the following is Washington State University's semi-annual agenda for WAC rules under development for the period of July 1 through December 31, 2021. Additional rule-making activity not now antici-

ipated may also be added as conditions warrant between semi-annual agendas.

No rule-making amendments are planned for the July 1 through December 31, 2021, period.

NOTE: Rule-making amendments to chapter 504-26 WAC, Standards of conduct for students, the university's standards of conduct for students are anticipated for 2022. Anticipate filing preproposal permanent rules amendments on January 5, 2022.

For more information regarding the semi-annual agenda, contact Deborah Bartlett, Rules Coordinator, Washington

State University, P.O. Box 641225, Pullman, WA 99164-1225, phone 509-335-2005, email prf.forms@wsu.edu.

Deborah Bartlett  
Rules Coordinator

ing, decorating, or improving buildings or structures under, upon, or above real property "of or for" the United States.

A copy of this document is available via the Internet at Rule and Tax Advisory Adoptions and Repeals.

Atif Aziz  
Tax Policy Manager  
Rules Coordinator

**WSR 21-13-166**  
**NOTICE OF PUBLIC MEETINGS**  
**EVERETT COMMUNITY COLLEGE**

[Filed June 23, 2021, 10:07 a.m.]

**2021-2022 Board of Trustees Meeting Dates**

Please refer to the website <https://www.everettcc.edu/administration/trustees/meetings-and-minutes> for updated meeting details.

Date	Time	Location
July 20, 2021 Regular meeting	5 p.m.	TBD
August 21, 2021 Board retreat	TBD	TBD
September 21, 2021 Regular meeting	5 p.m.	TBD
October 19, 2021 Study session	5 p.m.	TBD
November 16, 2021 Regular meeting	5 p.m.	TBD
December 2021	No scheduled meeting	
January 18, 2022 Regular meeting	5 p.m.	TBD
February 15, 2022 Study session	5 p.m.	TBD
March 15, 2022 Regular meeting	5 p.m.	TBD
April 19, 2022 Study session	5 p.m.	TBD
May 17, 2022 Regular meeting	5 p.m.	TBD
June 21, 2022 Regular meeting	5 p.m.	TBD

**WSR 21-13-170**  
**INTERPRETIVE STATEMENT**  
**DEPARTMENT OF REVENUE**

[Filed June 23, 2021, 11:30 a.m.]

**Interpretive Statement Issued**

The department of revenue has issued the following excise tax advisory (ETA):

**ETA 3225.2021 *Construction on Real Property "of or for" the United States***

This ETA explains how the ownership of land affects the determination of whether a person is a federal government contractor (government contractor) in constructing, repair-